VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, Mayor
Oscar Sardinas, Vice Mayor
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

REGULAR COUNCIL MEETING

TUESDAY, JANUARY 14, 2025
6:30 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. PLEDGE OF ALLEGIANCE

3. INVOCATION
REVEREND WILLIE ALLEN-FAIELLA
ST. CHRISTOPHER'S-BY-THE-SEA

4. BRIEF COMMENTS BY COUNCIL

5. PUBLIC COMMENTS:
If you would like to speak during public comments, please fill out a blue request form available at the Council Chamber entrance and submit it to the Village Clerk prior to the start of the meeting. When your name is called, please come forward to the podium and state your name and address. (If applicable, please state if you are a hired consultant or Village employee and/or engaged in lobbying activities and/or representing an organization.) Unless otherwise provided by Council, members of the public will have three (3) minutes to speak.

6. AGENDA:
APPROVAL/DEFERRALS/ADDITIONS/DELETIONS/SUBSTITUTIONS/WITHDRAWALS

7. SPECIAL PRESENTATIONS:

7.A. ADVISORY BOARD ANNUAL PROGRESS REPORTS (MAYOR RASCO)
1. SUSTAINABILITY ADVISORY BOARD

2. PARKS AND OPEN SPACES BOARD
3. VILLAGE ATHLETICS ADVISORY BOARD

8. CONSENT AGENDA:

(Consent agenda items are those which are routine, do not require discussion or explanation prior to Village Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request on an individual Councilmember for independent consideration provided such request is made during the approval/deferrals/additions/deletions/substitutions/withdrawals segment of the meeting, prior to the vote on the consent agenda.)

8.A. OCTOBER 15, 2024 MINUTES
(REGULAR COUNCIL MEETING)

TAB 1

8.B. DECEMBER 17, 2024 MINUTES
(REGULAR COUNCIL MEETING)

TAB 2

9. ORDINANCES: (NOT LATER THAN 7:30 P.M.)

9.A.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING THE VILLAGE'S COMPREHENSIVE PLAN REGARDING PUBLIC UTILITY USES WITHIN ALL FUTURE LAND USE MAP CATEGORIES;** PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

SECOND READING
PUBLIC HEARING REQUIRED

RECOMMENDATION: APPROVAL

TAB 3

9.B. AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING ARTICLE II, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN", OF CHAPTER 23 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE IMPLEMENTATION OF THE CONCLUSIVE FIREFIGHTER CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES, AND THE REBUTTABLE DISEASE PRESUMPTIONS ESTABLISHED BY SECTIONS 112.18, 112.181, AND 175.231, FLORIDA STATUTES; AMENDING SECTIONS 23-48, "DISTRIBUTION OF BENEFITS," 23-49, "MISCELLANEOUS PROVISIONS," 23-58, "FEDERAL TAX PROVISIONS," AND 23-59, "QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS" OF THE VILLAGE CODE OF ORDINANCES RELATING**

TO PENSION PLAN QUALIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (HUMAN RESOURCES DIRECTOR JUAN GUTIERREZ)
SECOND READING
PUBLIC HEARING REQUIRED

RECOMMENDATION: APPROVAL

TAB 4

9.C.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING CHAPTER 19, "PARK RULES AND REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO CREATE SECTION 19-19, "PARK HOURS," RELATING TO PARK HOURS WITHIN THE VILLAGE;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (CHIEF OF POLICE FRANCIS J. SOUSA)

SECOND READING
PUBLIC HEARING REQUIRED

RECOMMENDATION: APPROVAL

TAB 5

9.D.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING SECTION 1-2, "RULES OF CONSTRUCTION AND DEFINITIONS", TO CREATE A DEFINITION FOR THE TERM "PUBLICATION" AND COMPREHENSIVELY AMENDING AND REVISING THE VILLAGE CODE OF ORDINANCES TO ALLOW VILLAGE ADVERTISEMENTS AND LEGAL NOTICES TO BE PUBLISHED IN ANY MANNER PERMITTED UNDER FLORIDA LAW;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (VILLAGE ATTORNEY AND VILLAGE CLERK)

FIRST READING
PUBLIC HEARING REQUIRED

RECOMMENDATION: APPROVAL

TAB 6

9.E.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING SECTION 5-4, "STANDARDS FOR MAINTENANCE AND APPEARANCE OF PROPERTY UPON WHICH CONSTRUCTION OR DEMOLITION IS BEING PERFORMED," OF THE VILLAGE CODE OF ORDINANCES;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR

CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

FIRST READING

RECOMMENDATION: APPROVAL

TAB 7

10. RESOLUTIONS:

10.A. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **APPROVING A VARIANCE REQUEST TO VARY THE SUM OF SIDE YARD SETBACK REQUIREMENTS BY 3 FEET AND 3 INCHES FOR THE PROPERTY LOCATED AT 920 MARINER DRIVE;** PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)
PUBLIC HEARING REQUIRED

TAB 8

10.B.
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **APPROVING AND ACCEPTING A DRAINAGE EASEMENT AGREEMENT WITH VDM 2014 IRREVOCABLE TRUST RELATING TO THE PROPERTY LOCATED AT 490 WEST MATHESON DRIVE AND 1 HARBOR POINT;** PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

RECOMMENDATION: APPROVAL

TAB 9

11. REPORTS AND RECOMMENDATIONS:

A. VILLAGE MANAGER: (NOT LATER THAN 8:00 P.M.)

DISCUSSION ITEMS

TAB 10

DISCUSSION - 2025 VILLAGE LEGISLATION PRIORITIES & TIMELINE (VILLAGE MANAGER)

DISCUSSION - RESILIENT INFRASTRUCTURE AND ADAPTATION PROGRAM (RIAP) UPDATES - BRIEF UPDATE - (CHIEF RESILIENCE AND SUSTAINABILITY

OFFICER DR. ROLAND SAMIMY)

DISCUSSION - ROW / PRIVATE PROPERTY HARMONIZATION (CHIEF RESILIENCE AND SUSTAINABILITY OFFICER DR. ROLAND SAMIMY)

DISCUSSION - UTILITY RESIDENTIAL CONNECTIONS (CHIEF RESILIENCE AND SUSTAINABILITY OFFICER DR. ROLAND SAMIMY)

DISCUSSION - DRIVEWAY PERVIOUS MATERIAL REQUIREMENTS AND STANDARDS (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

DISCUSSION - FREEBOARD AT BFE + 2/3 (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

DISCUSSION - BUILDING HEIGHT (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

DISCUSSION - SITE ELEVATION (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

DISCUSSION - RICKENBACKER CAUSEWAY PRIORITIES (VILLAGE MANAGER)

DISCUSSION - CAPITAL IMPROVEMENTS PROGRAM UPDATE PRESENTATION (CIP AND GRANTS MANAGER COLLEEN DURFEE)

DISCUSSION - 10 FOCUS AREAS UPDATE (VILLAGE MANAGER)

B. MAYOR AND COUNCILMEMBERS

1. UNIQUE ABILITIES ADVISORY BOARD, EDUCATION ADVISORY BOARD, AND ART IN PUBLIC PLACES BOARD APPOINTMENTS (MAYOR RASCO)

2. MOTION TO FORMALLY SEPARATE THE ELECTRIC UNDERGROUNDING PROJECT FROM THE STORM WATER SYSTEM PROJECT (COUNCILMEMBER BRACKEN)

3. LAW ENFORCEMENT ON BEACHES WITHIN THE VILLAGE; RECENTLY IMPLEMENTED BEACH CLOSURE HOURS; AND DOGS ON BEACHES WITHIN THE VILLAGE (COUNCILMEMBER STONER)

4. STORMWATER DESIGN, COMPRESSOR; PEER REVIEW (COUNCILMEMBER STONER)

C. VILLAGE ATTORNEY

D. VILLAGE CLERK

12. OTHER BUSINESS/GENERAL DISCUSSION

13. SCHEDULE OF FUTURE MEETINGS/EVENTS:

SPECIAL COUNCIL MEETING
TUESDAY, JANUARY 28, 2025, 6:00 P.M., COUNCIL CHAMBER

STATE OF THE VILLAGE ADDRESS
WEDNESDAY, FEBRUARY 5, 2025, 6:00 P.M., ISLAND ROOM
KEY BISCAYNE COMMUNITY CENTER

REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 11, 2025, 6:30 P.M., COUNCIL CHAMBER

REGULAR COUNCIL MEETING
TUESDAY, MARCH 18, 2025, 6:30 P.M., COUNCIL CHAMBER

14. ADJOURNMENT

I. ANY PERSON WISHING TO ADDRESS THE VILLAGE COUNCIL ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-

11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, OCTOBER 15, 2024

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:33 p.m. Present were Councilmembers Franklin H. Caplan, Edward London, Brett G. Moss, Oscar Sardiñas, Fernando A. Vazquez (arrived at 7:00 p.m.), Vice Mayor Allison McCormick, and Mayor Joe I. Rasco. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Chad Friedman.

2. **PLEDGE OF ALLEGIANCE:** Councilmember Moss led the Pledge of Allegiance.

3. **INVOCATION:** Father Juan Carlos Paguaga with St. Agnes Catholic Church gave an invocation.

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Rasco addressed the public announcing there will be a blood drive this Saturday at Crossbridge Church from 8:00 a.m. to 1:30 p.m. and recognized Hurricane Milton's damage in the Carolinas and Siesta Key, Florida and reaching out to our neighboring communities. Mayor Rasco and Councilmembers Caplan and London recognized the recent passing of resident Conchita Suarez and her contributions to the community including helping to establish the dog park at the Village Green. Vice Mayor McCormick wished her son, Teddy McCormick, a Happy 17th Birthday. Councilmember London, on behalf of Council, thanked Vice Mayor McCormick and Councilmembers Moss and Caplan for their service to the Village.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Nancy Stoner, 613 Ocean Drive; Mike Davey, 50 Ocean Lane Drive; Luis de la Cruz, 640 Allendale Road; Nick Lopez-Jenkins, 550 Ocean Drive, and Cecile Sanchez, 260 Cypress Drive.

There was discussion from Council regarding the Key Biscayne Yacht Club and tree donations.

6. **AGENDA:** Councilmember Caplan made a motion to approve the additions, deletions,

deferrals and set the agenda. The motion was seconded by Councilmember Sardiñas. Mayor Rasco and the Attorney addressed the public announcing there will be a Special Council Meeting regarding the Terra Project, Items 11A, B, and C on October 22, 2024 at 6:30pm in the Council Chamber, 560 Crandon Boulevard. Mayor Rasco also requested the addition of a discussion regarding an appointment for the Unique Abilities Advisory Board as Item 12B5 and the addition of a discussion regarding the increase of fees for trainers on the Village Green as Item 12B6. The motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vice Mayor McCormick, and Mayor Rasco voting Yes.

7. **SPECIAL PRESENTATIONS:** A special presentation was given by State Senator Alexis Calatayud regarding an update to the Village on the current challenges for Condominium Associations and residents, special needs programming, and K-8 school resilient infrastructure construction.

Mayor Rasco addressed the public that the legislative agenda will be discussed later in the evening.

A presentation on the Citizen's Independent Transportation Trust was given by CITT's Executive Director Javier Betancourt and Municipal Program Manager Mariana Price.

There was discussion from Council, the Manager, Mr. Betancourt, and Ms. Price regarding the above presentation, density, Freebee, and other available transportation options.

A special recognition for Helena Iturralde and A Zero Waste Culture was given by Mayor Rasco for winning the Miami Zero Waste Business Award.

There was discussion from Council, the Manager, and Ms. Iturralde regarding upcoming Waste Management tours for the public.

Mayor Rasco presented a proclamation recognizing Red Ribbon Week in association with Private First-Class Bruce W. Carter Medal of Honor Young Marines and a proclamation recognizing Florida Climate Week.

8. **CONSENT AGENDA:** Councilmember Caplan made a motion to approve the following consent agenda. The motion was seconded by Vice Mayor McCormick.

Councilmember London requested to remove Item 8B from the consent agenda. There was no objection to this request.

The consent agenda, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

The minutes of the August 27, 2024 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE FLORIDA AGENCY FOR

PERSONS WITH DISABILITIES TO SUPPORT VILLAGE PROGRAMS FOR INDIVIDUALS WITH UNIQUE ABILITIES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES, INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONTINUING PROFESSIONAL SERVICES AGREEMENT WITH BLACK AND VEATCH CORPORATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF SIX POLICE VEHICLES IN AN AMOUNT NOT TO EXCEED $358,506.00; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; DECLARING VARIOUS POLICE VEHICLES AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF A FIRE TRUCK FROM TEN-8 FIRE & SAFETY, LLC IN AN AMOUNT NOT TO EXCEED $399,604.00; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; DECLARING CERTAIN FIRE RESCUE EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DECLARING A POLICE VEHICLE AS SURPLUS PROPERTY; AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY TO BILL BAGGS CAPE FLORIDA STATE PARK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Moss.

Councilmember London addressed the Council regarding the above resolution.

There was extensive discussion from Council, the Attorney, and Chief of Police Francis J. Sousa regarding the above resolution and charitable donations.

Councilmember London made a motion to add language regarding adequate consideration provided by Chief Sousa and Vice Mayor McCormick, including the Village Police boat storage, multi-day police accreditation activities, and housing A Zero Waste Culture composting. The motion was seconded by Councilmember Moss.

There was discussion from Council and the Manager regarding the state park charging residents for the boat parade.

The Attorney addressed the Council that the resolution can be adopted as amended.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

9. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-142, "ART IN PUBLIC PLACES BOARD," OF THE VILLAGE CODE OF ORDINANCES RELATING TO BOARD MEMBERSHIP AND TERM LIMITS OF BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Moss.

> The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Councilmember Caplan addressed the Council regarding the above item.

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 21-37 OF THE VILLAGE CODE OF ORDINANCES TO REQUIRE CONSTRUCTION BOND FOR WORK IN THE PUBLIC RIGHTS-OF-WAY; CREATING SECTION 21-38 ENTITLED "RESTORATION OF PUBLIC RIGHTS-OF-WAY" REGARDING THE RESTORATION OF PUBLIC RIGHTS-OF-WAY RELATING TO DEVELOPMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor McCormick.

> The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

There was discussion from Council, Public Works Director Chris Miranda, the Attorney, and the Manager regarding the above item, the effective date, and applicable properties.

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-242, "ARTIFICIAL TURF" OF THE VILLAGE CODE OF ORDINANCES, TO MODIFY INSTALLATION RESTRICTIONS IN THE INSTITUTIONAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor McCormick.

> The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

There was extensive discussion from Council and Director Calleros Gauger regarding artificial turf, playing fields, screening, and tot lots.

Councilmember Moss made a motion to exclude playing fields from the screening requirement. Councilmember London made a friendly amendment to remove the screening requirement altogether. Councilmember Moss accepted the friendly amendment. The motion, as amended, was seconded by Councilmember Sardiñas. It was the consensus of Council to approve the amended motion.

The ordinance, as amended, was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING ARTICLE V, "SPEED DETECTION SYSTEMS IN SCHOOL ZONES," OF CHAPTER 26 OF THE VILLAGE CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Moss made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor McCormick.

Chief Sousa addressed the Council regarding the above item.

There was discussion from Council, Chief Sousa, the Manager, and the Attorney regarding the above item and possibly expanding the time frames of detection. The Attorney will report back on this item regarding a state law for second reading.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

10. **RESOLUTIONS:** At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A VARIANCE REQUEST TO ALLOW A MAXIMUM SECOND STORY TIE BEAM HEIGHT OF 33 FEET AND 4 INCHES ABOVE BASE FLOOD ELEVATION ON PROPERTY LOCATED AT 775 MASHTA DRIVE WHERE A MAXIMUM SECOND STORY TIE BEAM HEIGHT OF 27 FEET ABOVE BASE FLOOD ELEVATION IS OTHERWISE PERMITTED; PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to approve the resolution. The motion was seconded by Councilmember Caplan.

It was the consensus of Council to hear Items 10H and 10I concurrently.

At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A VARIANCE REQUEST TO ALLOW A MAXIMUM EXTERIOR WALL HEIGHT OF 33 FEET AND 4 INCHES ABOVE BASE FLOOD ELEVATION ON PROPERTY LOCATED AT 775 MASHTA DRIVE WHERE A MAXIMUM EXTERIOR WALL HEIGHT OF 24 FEET AND 6 INCHES ABOVE BASE FLOOD ELEVATION IS OTHERWISE PERMITTED; PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to approve the resolution. The motion was seconded by Councilmember Caplan.

All witnesses giving testimony were sworn in by the Clerk.

There was discussion from Council and Director Calleros Gauger regarding the above two resolutions.

> Mario Garcia Serra, with Gunster, Yoakey & Steward, P.A., owner's representative, and Adan Fons with Desing Architecture Consultants addressed the Council regarding the above two resolutions and gave a presentation.

There was extensive discussion from Council, Gustavo A. Garcia with DSS Consultants, Mr. Garcia Serra, Mr. Fons, Director Calleros Gauger, and the Attorney regarding the elevation of the seawall, floor area ratio, the requested variances, and homeowner attendance.

> The Mayor opened the public hearing. Berdell Buckley, 200 Ocean Lane Drive addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to include the conditions listed in the staff report to the first resolution.

The first resolution (Item 10H) was approved, as amended, by a 5-2 roll call vote. The vote was as follows: Councilmembers Caplan, London, Sardiñas, Vazquez, and Mayor Rasco voting Yes. Councilmember Moss and Vice Mayor McCormick voting No.

It was the consensus of Council to include the conditions listed in the staff report to the second resolution.

The second resolution (Item 10I) was approved, as amended, by a 5-2 roll call vote. The vote was as follows: Councilmembers Caplan, London, Sardiñas, Vazquez, and Mayor Rasco voting Yes. Councilmember Moss and Vice Mayor McCormick voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THE VILLAGE'S 2025 LEGISLATIVE PRIORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to approve the resolution. The motion was seconded by Mayor Rasco.

There was extensive discussion from Council and the Manager regarding advocating on property insurance issues and reserve requirements, the outfall for Zone 1 construction and the terms regarding the timeline, the League of Cities' polices and goals, Live Local, recyclable materials and preemption, and seawall construction.

It was the consensus of Council for the Manager to work with Councilmember Caplan on the above items and amend the legislative priorities accordingly.

The resolution, as amended, was approved by a 5-0 voice vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vazquez, and Mayor Rasco voting Yes. Councilmember Caplan and Vice Mayor McCormick were out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING A MUNICIPAL PLANNING MATCHING GRANT AWARD IN AN AMOUNT OF $36,263.00 FROM THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION (TPO) FOR THE RICKENBACKER CAUSEWAY/CRANDON BOULEVARD TRAFFIC AND MOBILITY SOLUTIONS PROJECT AND APPROVING AN INTERLOCAL AGREEMENT RELATED TO THE SAME; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Sardiñas.

It was the consensus of Council to hear Items 10B and 10C concurrently.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. FOR THE RICKENBACKER CAUSEWAY/CRANDON BOULEVARD TRAFFIC AND MOBILITY SOLUTIONS PROJECT IN AN AMOUNT NOT TO EXCEED $72,526.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Councilmember London.

CIP and Grants Manager Colleen Blank addressed the Council regarding the above resolution.

The two resolutions (Items 10B and 10C) were approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

There was discussion from Councilmember Vazquez and the Manager regarding the above two resolutions and traffic appropriation requests, and communications and traffic logistics on Rickenbacker Causeway.

At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO BLACK AND VEATCH CORPORATION FOR PROGRAM MANAGEMENT AND PRE-CONSTRUCTION SERVICES FOR THE ZONE 1 K-8 SCHOOL STORMWATER DRAINAGE IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED $896,948; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor McCormick.

Chief Resilience and Sustainability Officer Dr. Roland Samimy addressed the Council regarding the above resolution.

There was discussion from Council and the Manager regarding including pervious areas in the calculations, the vulnerability assessment report, outfall capacity, and the design completion is between 30 and 60%.

Councilmember London made a motion to defer the above resolution to the October 23, 2024 Special Council Meeting.

There was additional discussion from Council, the Manager, and Dr. Samimy regarding having an owner's representative, pumping capacity, and continuity of the stormwater program.

The motion was seconded by Councilmember Sardiñas.

Councilmember London requested that the administration report back at the October 23, 2024 Special Council Meeting on how the $1.3 Million given previously was spent. There was no objection to the request.

The motion to defer was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vice Mayor McCormick, and Mayor Rasco voting Yes. Councilmember Vazquez was not attending remotely at the time the vote was taken.

There was additional discussion from Council, the Attorney, and the Manager regarding the October 23, 2024 Special Council Meeting.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING X10 CONSTRUCTION, INC. FOR THE COUNCIL CHAMBER THEATER UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED $184,702.00; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Moss made a motion to approve the resolution. The motion was seconded by Councilmember Sardiñas.

There was discussion from Council, Director Calleros Gauger, and the Manager regarding the Council having a chance to see the designs prior to construction. The scope includes the following: speakers mounted in the corners, a deployable screen and main speakers, new curtains, mobile and foldable theater seating, in-floor lighting, and carpet replacement.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes. Councilmember London was out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF ADDITIONAL TREE PLANTING AND RELATED WATERING SERVICES FROM DESIGN LANDSCAPES OF THE PALM BEACHES, INC. IN AN AMOUNT NOT TO EXCEED $59,914; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor McCormick and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ROAR MEDIA LLC FOR COMPREHENSIVE STRATEGIC COMMUNICATION SERVICES PURSUANT TO REQUEST FOR PROPOSAL NO. 2024-16; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor McCormick.

There was discussion from Council, the Attorney, the Manager, and Community Engagement and Communications Officer Jessica Drouet regarding the above resolution, strategic planning communications, the scope of services, Councilmember access to communication services via the Manager's office, and website formatting.

Councilmember Moss addressed the administration requesting that any contract pricing amounts be included in the resolution titles. There was no objection to the request.

Roar Media CEO Jacques Hart addressed the Council regarding the above resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, London, Moss, Sardiñas, Vice Mayor McCormick, and Mayor Rasco voting Yes. Councilmember Vazquez was not attending virtually at the time the vote was taken.

At this time Mayor Rasco appointed Vanessa Chartouni de la Serna to serve on the Unique Abilities Advisory Board. It was the Consensus of Council to confirm the appointment.

At this time Councilmember McCormick addressed the Council regarding the National Civic League's All America City Award. There was discussion from Council regarding the above item. It was the consensus of Council for the administration to look into pursuing the above item. The Manager addressed the Council regarding the above item and that this is about community organizations and schools reaching out to participate and not just local government's involvement.

Director Calleros Gauger reported on the results of a Building department survey and the 35 responses received. There was discussion from Council, the Manager, and Director Calleros Gauger regarding the survey's results and survey question formatting. Director Calleros Gauger will report back on turnaround times and customer satisfaction at a future date to be determined.

Mayor Rasco addressed the Council regarding the turfing at St. Agnes Field. Parks, Recreation, and Open Spaces Director Todd Hofferberth addressed the Council reporting on the procurement, status and timeline for completion with the construction scheduled to start in May 2025 approximately. The Manager reported to Council that this item should be ready to be presented at the February 2025 Council Meeting. Director Hofferberth reported on the past project timelines of turfing field projects.

Vice Mayor McCormick addressed the Council reporting on a public records update and Clerk discussion for additional staffing.

Councilmember Moss addressed the Council regarding street tree minimum size requirements as currently being 2" trees. There was discussion from Council, Director Calleros Gauger, and the Attorney regarding the current code requirements, the Village having first right to take tress that would be lost in a single family home's demolition, and pruning standards and the Miami-Dade County landscape ordinance. The Manager will bring back a draft ordinance in January 2025 regarding swale trees.

Mayor Rasco addressed the Council regarding the increase in fees for trainers on the Village Green.

There was discussion from Council and Director Hofferberth regarding fees for trainers and the number of participants in the classes with the rate being the same whether there are a few participants or many. It was the consensus of Council to keep the fees as is and for the Mayor to work with the trainers and Director Hofferberth to look for a solution and report back at a future meeting date to be determined.

11. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Village Manager. The Manager addressed the Council regarding the Manager's Report and reported on the 10 Focus areas being included in AchieveIt, which will be presently monthly in the agenda going forward.

The Manager addressed the Council regarding possible pump locations for the Garden District drainage improvements. CIP and Grants Manager Blank and the Manager addressed the Council regarding the above project, the location, and the current status.

Mayor and Councilmembers: These items were addressed earlier in the evening.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

14. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 10:34 p.m.

Respectfully submitted:

_____

Jocelyn B. Koch
Village Clerk

Approved this _____ day of _____2024:

_____

Joe I. Rasco
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, DECEMBER 17, 2024

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:34 p.m. Present were Councilmembers Michael F. Bracken, Franklin H. Caplan, Edward London, Oscar Sardiñas, Nancy Stoner, Fernando A. Vazquez, and Mayor Joe I. Rasco. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Roger Pou.

2. **PLEDGE OF ALLEGIANCE:** Councilmember Bracken led the Pledge of Allegiance.

3. **INVOCATION:** Pastor Dennis Eastling with Key Biscayne Community Church gave an invocation.

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Rasco addressed the public recognizing the 200th Anniversary of the Key Biscayne Lighthouse at Bill Baggs State Park and welcomed newly elected Councilmembers Bracken and Stoner to the Council. Councilmember Caplan recognized the recently held north linear park opening at Hobie Beach.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Eduardo Vedani, 255 Sunrise Drive; Robert Cortes, 100 Sunrise Drive; Leandro Beer, 155 Ocean Lane Drive; Mark Fried, 525 Warren Lane; Brett Moss, 152 W. Mashta Drive; Cecile Sanchez, 260 Cypress Drive; Michael Polokov, 151 Crandon Boulevard, and Steve Simon, 335 Harbor Lane.

6. **AGENDA:** The Clerk requested the removal of the October 15, 2024 Regular Council Meeting Minutes from the consent agenda. There was no objection to the agenda change.

At this time pursuant to Section 2.02 (b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Vazquez made a motion to nominate

Councilmember Sardiñas. The motion was seconded by Councilmember Stoner and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Sardiñas, Stoner, Vazquez, and Mayor Rasco voting Yes.

7. **SPECIAL PRESENTATIONS:** A presentation was given by the Manager recognizing the following part-time staff members from the Community Center as the Employees of the Year: Senior Front Desk Attendant Karen Jardines, Lifeguard Jose Felipe Salamanca, and Room Monitor Larissa Flores Guevara.

Presentations of Annual Progress Reports for the following advisory boards were given: the Art in Public Places Board report was given by Board Member Bill Durham, the Education Advisory Board report was given by Board Chair Estafania Diaz-Balart, and the Unique Abilities Advisory Board report was given by Chair Chiara Bergonzi and Co-Chair Vanessa Chartouni de la Serna.

A presentation was given by Chief of Police Francis J. Sousa on an Annual Report for the Red Light Camera Program: 972 notices of violations issued, 132 were dismissed, and 0 were contested.

8. **CONSENT AGENDA:** Councilmember Caplan made a motion to approve the following consent agenda, as amended. The motion was seconded by Vice Mayor Sardiñas and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes. Councilmember London was out of the room at the time the vote was taken.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING A FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) RESILIENT FLORIDA GRANT IN AN AMOUNT OF $500,000 FOR THE KEY BISCAYNE K-8 COMMUNITY SCHOOL RESILIENT INFRASTRUCTURE PROJECT AND APPROVING AN AGREEMENT RELATED TO THE SAME; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A MEMORANDUM OF AGREEMENT WITH THE CITY OF MIAMI FOR THE URBAN AREA SECURITY INITIATIVE (UASI) 2023 GRANT PROGRAM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RATIFYING THE TERMINATION OF THE BROWNFIELD SITE REHABILITATION AGREEMENT (BSRA) WITH MIAMI-DADE COUNTY RELATING TO THE PARADISE PARK SITE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN ASSIGNMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR THE ASSIGNMENT OF THE VILLAGE'S SHARE OF OPIOID LITIGATION SETTLEMENT PROCEEDS TO THE MIAMI-DADE COUNTY

REGIONAL FUND; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING ARTICLE V, "SPEED DETECTION SYSTEMS IN SCHOOL ZONES," OF CHAPTER 26 OF THE VILLAGE CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor Sardiñas.

> The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

There was discussion from Council and Chief of Police Francis J. Sousa regarding the above ordinance, Special Magistrates, the violation period, and system calibrations.

> David De La Espriella with RedSpeed addressed the Council.

At this time the Attorney addressed the Council regarding a traffic data presentation requirement.

> The Mayor reopened the public hearing. A 2-day Key Biscayne Traffic Study was presented by Chief Sousa. The Mayor closed the public hearing.

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

At this time the Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH REDSPEED FLORIDA, LLC FOR THE INSTALLATION AND OPERATION OF SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SPEED LIMIT VIOLATIONS OCCURRING IN ELIGIBLE SCHOOL ZONES; WAIVING COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor Sardiñas.

There was discussion from Council, Chief Sousa, and the Manager regarding the bidding process, the breakdown of cost benefits, and the implementation to be at St. Agnes Catholic Academy.

David De La Espriella with RedSpeed addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE II, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN", OF CHAPTER 23 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE IMPLEMENTATION OF THE CONCLUSIVE FIREFIGHTER CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES, AND THE REBUTTABLE DISEASE PRESUMPTIONS ESTABLISHED BY SECTIONS 112.18, 112.181, AND 175.231, FLORIDA STATUTES; AMENDING SECTIONS 23-48, "DISTRIBUTION OF BENEFITS," 23-49, "MISCELLANEOUS PROVISIONS," 23-58, "FEDERAL TAX PROVISIONS," AND 23-59, "QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO PENSION PLAN QUALIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Sardiñas.

There was discussion from Council and Chief Financial Officer Benjamin Nussbaum regarding the above ordinance and state law.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

At this time the Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DELETING SECTION 30-39, "APPEARANCE OF STRUCTURES AND SITES UNDER CONSTRUCTION," OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember London.

Building, Zoning and Planning Director Jeremy Calleros Gauger addressed the Council regarding the above ordinance.

There was discussion from Council and Director Calleros Gauger regarding the above ordinance.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

At this time the Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, "PARK RULES AND REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO CREATE SECTION 19-19, "PARK HOURS," RELATING TO PARK HOURS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Stoner.

Chief Sousa and Parks, Recreation and Open Spaces Director Todd Hofferberth addressed the Council regarding the above resolution, athletic activities, and creating hours for different parks.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

The Clerk read the following ordinance on first reading, by title:

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 375 WEST ENID DRIVE IN AN AMOUNT NOT TO EXCEED $4.75 MILLION, SUBJECT TO THE APPRAISALS OF THE PROPERTY AND VILLAGE MANAGER'S NEGOTIATION AND EXECUTION OF A PURCHASE AND SALE AGREEMENT; PROVIDING FOR AUTHORIZATION; AMENDING ORDINANCE 2024-16 BY ADOPTING A RELATED BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Sardiñas.

There was discussion from Council and the Manager regarding the above ordinance.

Steve Simon, 335 Harbor Lane addressed the Council.

There was additional discussion from Council, the Attorney, the Manager, and Director Calleros Gauger regarding the above ordinance, the Land Acquisition Trust, and underground pump stations and generators.

Vice Mayor Sardiñas made a motion to put in a backup contract on the property. The motion was seconded by Councilmember Bracken.

Councilmember Vazquez addressed the Council regarding Miami-Dade County's Water Quality mandate.

Vice Mayor Sardiñas withdrew the above motion.

The ordinance was approved on first reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, Stoner, Vice Mayor Sardiñas, and Mayor Rasco voting Yes. Councilmembers London and Vazquez voting No.

10. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ORACLE AMERICA, INC. FOR LAW ENFORCEMENT COMPUTER AIDED DISPATCH (CAD), RECORD MANAGEMENT (RMS), AND MOBILE PLATFORM SYSTEM SERVICES IN AN AMOUNT NOT TO EXCEED $557,803.96 PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2024-09; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Mayor Rasco.

Chief Sousa addressed the Council regarding the above resolution and clarified language in the memo that this is not 3 optional 1-year extensions, it is a one-time 3-year extension.

There was discussion from Council and Chief Sousa regarding records management systems.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO THE CORRADINO GROUP, INC. TO PERFORM DESIGN SERVICES FOR HARBOR DRIVE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED $114,105; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor Sardiñas.

CIP and Grants Manager Colleen Durfee addressed the Council regarding the above resolution.

There was discussion from Council, CIP and Grants Manager Durfee, Public Works Director Christopher Miranda, and the Manager regarding the above resolution, Harbor Drive, and cement trucks and traffic calming circles.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, INDICATING THE VILLAGE'S OFFICIAL INTENT TO ISSUE TAX-EXEMPT BONDS IN VARIOUS SERIES IN AN AMOUNT NOT TO EXCEED $100,000,000 TO FINANCE THE COSTS OF MITIGATING THE EFFECTS OF SEA LEVEL RISE AND FLOODING, PROTECTING THE VILLAGE'S BEACHES AND SHORELINE, AND HARDENING INFRASTRUCTURE TO THE EFFECTS OF HURRICANES, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Vice Mayor Sardiñas.

There was discussion from Council, the Manager, and the Attorney regarding the above resolution, storm events and infrastructure hardening, and the timeline of the first tranche of the bond to be brought forward at the June 2025 Council Meeting approximately.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, Stoner, Vazquez, Vice Mayor Sardiñas, and Mayor Rasco voting Yes. Councilmember London voting No.

At this time Mayor Rasco appointed Sam Schrager to serve on the Board of Special Magistrates and Helena Iturralde to serve on the Sustainability Advisory Board.

Councilmember Bracken volunteered to serve as Council Liaison for the Sustainability Advisory Board, Councilmember Stoner volunteered to serve as Council Liaison for the Village Athletics Advisory Board and the Unique Abilities Advisory Board, and Councilmember Caplan volunteered to serve as Council Liaison for the Parks and Open Spaces Board.

It was the consensus of Council to confirm all of the above appointments.

Mayor Rasco addressed the Council regarding office space for Councilmembers. There was discussion from Council regarding the above item. It was the consensus of Council for the Mayor

to work with the administration to come up with a solution regarding needed office space and a conference area for Council.

Councilmember Caplan addressed the Council regarding the All-American City's Competition. There was discussion from Council and the Manager regarding the above item and needing citizen engagement to be able to participate successfully. It was the consensus of Council for Councilmember Caplan to work with the Manager and submit a letter of intent by the end of the month deadline. Councilmember Caplan will report back to Council on the feasibility of further participation in the competition at a future date to be determined.

Councilmember Caplan addressed the Council regarding the Key Biscayne Historical Society's installation at the Key Biscayne Library. There was discussion from Council, the Manager, and Director Calleros Gauger regarding the safety and storing of the historical objects and the vertical space available at the library for installation. The library construction would start in the fall of 2025 with an approximate two-year timeline for completion.

Mayor Rasco addressed the Council regarding the timeline of the St. Agnes field turfing. There was discussion from Council, Director Hofferberth, and the Manager regarding the above item, the timelines for approval, and if approved by February 2025, a scheduled completion date would be August 14, 2025.

Councilmember Sardiñas addressed Director Hofferberth regarding the KBK8 basketball courts construction. There was discussion from Council and Director Hofferberth regarding the above item, the Miami-Dade County School Board construction requirements, and the construction scheduled to be completed before the start of the fall 2025 school year.

Councilmember Bracken addressed Director Hofferberth regarding pickleball courts. There was discussion from Council, Director Hofferberth, and the Manager regarding the above item. Director Hofferberth and the Manager will evaluate and report back at a future meeting date to be determined.

Mayor Rasco addressed the Council regarding maintenance on the Village Green. There was discussion from Council, Director Hofferberth, and the Manager regarding the filling and leveling of the grass, the KBK8 field's maintenance, and vehicle parking issues at the Village Green. Director Hofferberth will report back regarding vehicle parking at a future date to be determined.

At this time the Clerk presented to the Council the Certification of the November 5, 2024 Municipal Election Results.

Councilmember Caplan made a motion to accept the Clerk's Certification of the November 5, 2024 Municipal Election results. The motion was seconded by Councilmember Stoner and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Stoner, Vazquez, Vice Mayor Sardinas, and Mayor Rasco voting Yes.

The Clerk presented to the Council the proposed 2025 Council Meeting schedule.

11. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Village Manager. The Manager addressed the Council reporting that the first installment payment of $550,000 for the Army Corps of Engineers' Coastal Storm Risk Feasibility Study is due. An agency technical review will occur in February 2025 with an interim decision to be made in April 2025 and then that agency would determine if the benefit cost ration is worthwhile to move forward with this study.

Mayor and Councilmembers: These items were addressed earlier in the evening.

Village Attorney. The Attorney did not submit a report.

Village Clerk. There was discussion from Council regarding the proposed 2025 Council Meeting schedule. It was the consensus of Council to approve the proposed schedule as presented.

13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

14. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 9:16 p.m.

Respectfully submitted:

_____

Jocelyn B. Koch
Village Clerk

Approved this _____ day of _____2024:

_____

Joe I. Rasco
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director

RE: Public Utilities within Additional Land Use Categories in the Village Masterplan (2nd Reading)

RECOMMENDATION

I recommend that the Village Council approve amending the "Future Land Use Categories" of the Village of Key Biscayne, Florida Master Plan (the "Master Plan") to allow Public Utilities in all land use categories in the Village of Key Biscayne, (the "Village").

BACKGROUND

On June 11, 2024, the Village Council approved the proposed Master Plan amendment on first reading. To provide context, the Village has expanded requirements for improved public utilities. In particular, the Village is investing in improving the storm sewer utility and electrical system to decrease flooding and improve durability, respectively. Improving public utilities will require additional real estate. The real estate required for additional facilities such as pipes, underground wires, ground mounted transformers, pump stations, and associated back-up power facilities will be distributed throughout the Village.

The Master Plan allows utilities in most land-use categories; however, it limits the utilities to serving only that land category as opposed to serving the entire Village or adjacent land-use categories. The proposed amendment allows for additional flexibility for utilities serving the public beyond the same land use category. The proposed amendment also allows for public utilities within office and parks, recreation, and open space land uses.

The type of infrastructure required for currently planned improvements will be distributed throughout the Village and is small in scale compared to electrical substations or similar utilities that occupy entire lots. Thus, public utilities will be better suited for sharing space as an accessory use in multiple other land-use categories. The Village Council has already set additional standards for locating stormwater uses as part of other land-use types. In February of 2024, the Village Council adopted a zoning text amendment setting conditions for public utility stormwater uses which included screening requirements as well as requiring any above-ground elements being subject to public site-plan review, (Sec. 30-114 – Public Utility Stormwater Uses).

REVIEW CRITERIA

The Village's procedures for a text change provides for the amendment of the Zoning and Land Development Regulations provided that such amendments are consistent with the following criteria per Sec. 30-71(b) of the Village Ordinances:

Criteria 1 The proposed amendment is consistent with the Comprehensive Plan.

Analysis 1 Objective 2.5 "Drainage and Sewer System Land Need" of GOAL 2 PROTECT AND ENHANCE THE RESIDENTIAL, COMMERCIAL, RESORT AND NATURAL RESOURCE AREAS OF KEY BISCAYNE, of the FUTURE LAND USE section of the Comprehensive Plan supports calls for the Village to:

Ensure the availability of suitable land for drainage and sanitary sewer system facilities needed to support planned infrastructure improvements. See Policies for measurability.

Policy 2.5.1
By the date required by state statute or sooner, the Village shall enact and enforce land development code provisions for sewer lift stations, stormwater lift stations and collection/infiltration mechanisms and other utility land requirements.

Expanding the number of land use categories permitting public utilities will aid the Village in fulfilling this Objective.

Finding Consistent

Criteria 2 The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.

Analysis The proposed changes do not impact the scale of buildings.

Finding Consistent

Criteria 3 The resulting boundaries of a zoning district are logically drawn.

Analysis The proposed changes do not alter the zoning districts.

Finding Not applicable

Criteria 4 The proposed changes will enhance property values in the Village.

Analysis The proposed changes will enhance property values Village-wide by providing access to a means to decrease stormwater flooding.

Finding	Consistent.
Criteria 5	The proposed change will enhance the quality of life in the Village.
Analysis	Since the proposed changes will improve responses to stormwater flooding, the change will enhance the quality of life in the Village.
Finding	Consistent
Criteria 6	There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
Analysis	Giving the Village the ability to locate public utilities is directly tied to the future health, safety, and welfare of the Village residents. In order for the Village to remain viable, we must act to reduce harm from flooding from storm water. Threats from flooding have been consistent throughout the last 80 years of development on the island with increasing levels of intervention in the form of introduced stormwater drains in the 1990's and the switch from septic tanks to pumped sanitary sewer systems which is ongoing. The expanded infrastructure has taken up additional space for lift stations and drainage structure in easements already. The new infrastructure will need an expanded space which cannot be accommodated solely in the right-of-way.

CONCLUSION

Based on the findings and relevant background information, I recommend that the Village Council approve the zoning text amendment.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN REGARDING PUBLIC UTILITY USES WITHIN ALL FUTURE LAND USE MAP CATEGORIES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne ("Village") has adopted the Village of Key Biscayne Master Plan (the "Comprehensive Plan"); and

WHEREAS, the Village Council finds it periodically necessary to amend the Comprehensive Plan in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, public notice was provided as required by applicable law; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Comprehensive Plan and recommends approval of this Ordinance; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Comprehensive Plan Amendments Adopted. The Village Council hereby adopts the amendments to the Comprehensive Plan attached hereto as Exhibit "A."

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

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[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 5. Transmittal. The Village Manager is hereby authorized to transmit the amendments adopted by this Ordinance to the Florida Department of Commerce ("DOC") and any other required reviewing agencies for review in accordance with Section 163.3184, Florida Statutes.

Section 6. Effective Date. This Ordinance shall be effective immediately upon passage by the Village Council on second reading, except that the effective date of the amendments adopted by this Ordinance shall go into effect 31 days after DOC notifies the Village that the plan amendment package is complete. If timely challenged, the amendments adopted by this Ordinance shall not become effective until DOC enters a final order determining the adopted amendments to be in compliance.

PASSED on first reading on the _____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT A

KEY BISCAYNE MASTER PLAN

* * *

Part II

* * *

FUTURE LAND USE

* * *

FUTURE LAND USE CATEGORY DESCRIPTIONS

This section is a component of Future Land Use Policy 1.1.1 and is adopted as such by reference. Its purpose is twofold. First, this section explains the types of land uses that are to be permitted by the land development code which implements the Future Land Use Map. The land development code will contain more detail about permitted land uses than does this section. Land development code use regulations which are not specifically addressed in this section and which are not obviously incompatible with this section and other relevant policies may be deemed to be consistent with the overall comprehensive plan.

Low Density Single Family Residential

This category of land use is intended to allow for the use of single family detached homes on lots of at least 15,000 square feet of net area. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship and public utility facilities ~~necessary to serve the homes within this category~~. The 15,000 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a home on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan.

Medium Density Single Family Residential

This category of land use is intended to allow for the use of single family detached homes on lots of at least 7,500 square feet of net area. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship and public utility facilities ~~necessary to serve the uses within this category~~. The 7,500 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a home on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan.

Two Family Residential

This category of land use is intended to allow for the use of one single family detached home or two single family attached dwelling units on lots of at least 7,500 square feet of net area. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship and public utility facilities ~~necessary to serve the uses within this category~~. The 7,500 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a single family detached home or two single family attached dwelling units on a smaller lot where such lot or parcel was platted or otherwise of record prior to adoption of this Plan.

Low Density Multifamily Residential
This category of land use is intended to allow for multifamily and single family attached residential development up to 10 dwelling units per acre. Neither public nor private rights-of-way shall be counted for the purpose of determining the permitted number of units. Accessory recreation facilities such as swimming pools and tennis courts may be permitted in residential developments provided they are for the exclusive use of the residents of the development in which they are located, and their guests, and are not open on a membership or fee basis to nonresidents. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship, public utility facilities ~~necessary to serve the uses within this category~~ and adult congregate living facilities (ACLF's) without assisted care provided such ACLF facilities do not exceed 25 occupants per acre. Single family detached residential units may be allowed at a density of one dwelling unit per 7,500 square feet of site area allocated to single family use. The application of the density limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original density or intensity of the repaired or reconstructed building. This paragraph applies to densities and intensities, not uses.

Medium Density Multifamily Residential
This category of land use is intended to allow for multifamily and single family attached residential development up to 16 dwelling units per acre. Neither public nor private rights-of-way shall be counted for the purpose of determining the permitted number of units. Accessory recreation facilities such as swimming pools and tennis courts may be permitted provided they are for the exclusive use of the residents of the development in which they are located, and their guests, and are not open on a membership or fee basis to nonresidents. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship, public utility facilities ~~necessary to serve the uses within this category~~ and adult congregate living facilities (ACLF's) without assisted care provided such ACLF facilities do not exceed 25 occupants per acre.

The application of the density limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original density or intensity of the repaired or reconstructed building. This paragraph applies to densities and intensities, not uses.

High Density Multifamily Residential
This category of land use is intended to allow for multifamily residential development up to 30 dwelling units per acre. Neither public nor private rights-of-way shall be counted for the purpose of determining the permitted number of units. Accessory recreation facilities such as swimming pools and tennis courts may be permitted in residential developments provided they are for the exclusive use of the residents of the development in which they are located, and their guests, and are not open on a membership or fee basis to nonresidents. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship and public utility facilities ~~necessary to serve the uses within this category~~.

The application of the density limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original density or intensity of the repaired or reconstructed building. This paragraph applies to densities and intensities, not uses.

Office
This category of land use is intended to allow for business and professional office use. Buildings within this category shall be limited to up to 35 feet in height and 40 percent maximum lot coverage. Other uses allowed on land within this category include public utility facilities.

The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Commercial
This category of land use is intended to allow for general commercial and business uses and activities serving the daily retailing and service needs of the community. Other uses permitted on land within this category include business and professional office uses, public parks, municipal buildings and facilities and public utility facilities ~~necessary to serve the uses within this category~~. Buildings within this category shall be limited to 35 feet in height and 35 percent lot coverage.

The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Public and Institutional
This category of land use is intended to allow for the development of governmental facilities and uses and public and private institutional uses, including, but not limited to, houses of worship, schools and health care facilities where compatible with the surrounding area. Public parks and public utility facilities ~~necessary to serve the uses within this category~~ are also permitted on land within this category. Buildings within this category shall be limited to 35 feet in height and 35 percent lot coverage.

The application of the height and lot coverage limitation contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Public Recreation and Open Space
This category of land use is intended to allow for public non-commercial recreational uses, including passive and active parks, playgrounds and ancillary and secondary uses supportive of such activities. Other uses allowed on land within this category include public utility facilities. Buildings within this category shall be limited to 20 feet in height and 15 percent lot coverage.
The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Medium Density Multifamily and Ocean Resort Hotel

This category of land use is intended to allow primarily for multifamily residential development and ocean resort hotel development. Either multifamily residential alone or ocean resort hotel development alone may occur on a single parcel or multifamily residential and ocean resort hotel development may occur together on a single parcel.

If only multifamily residential development occurs on a single parcel, then it shall be subject to the same use and density limitations applicable to the medium density residential development (16 dwelling units per acre) land use category.

If only ocean resort hotel development occurs on a single parcel, then it may be permitted at a density not to exceed 30 hotel units per acre; furthermore, no hotel shall contain more than 350 hotel units.

If both multifamily residential development and ocean resort hotel development occur together on a single parcel, then no lot area which is counted toward meeting the lot area required for multifamily residential uses on a lot shall also be counted toward meeting the lot area required for hotel uses on the same lot. If both multifamily residential development and ocean resort hotel development occur together on a single parcel, then the ancillary facilities permitted for each type of development may be shared or otherwise coordinated.

For the purposes of the Medium Density Multifamily and Ocean Resort Hotel land use category, the term "hotel units" may include individual hotel rooms as well as groups of rooms in suites, provided said suites are designed exclusively to be rented as a unit rather than rented separately as individual rooms. Accessory convenience retail uses sized to serve only the needs of hotel guests may be permitted within hotels. Accessory restaurants, bars and lounges necessary to serve hotel guests may be permitted within hotels, provided they are sized so that they can be supported primarily by hotel guests and island residents. Ancillary recreation facilities such as swimming pools, cabanas and tennis courts may be permitted within hotel sites provided they are sized so that they can be supported primarily by hotel guests and island residents. Gaming facilities are not permitted.

Other uses permitted in the Medium Density Multifamily and Ocean Resort Hotel category include public parks and public utility facilities ~~necessary to serve the uses within this category~~.

No buildings in this category shall exceed 150 feet in height.

Waterfront Recreation and Open Space
This category of land use is intended to allow for limited water dependent recreational uses including beaches and marinas together with facilities directly supportive of such uses including clubhouses and dock master buildings sized and scaled to meeting only the needs of the members. Buildings within this category shall be limited to 35 feet in height and 15 percent lot coverage. Other uses allowed on land within this category include public utility facilities.

The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Proposed Pedestrian-Bicycle Way

The location and the width of the proposed pedestrian-bicycle ways shown on this future land use map are conceptual approximations not precise alignments. Considerable deviation from the alignments shown could fulfill the intent of this plan so long as: 1) provision is made for pedestrians and bicyclists to go from East Drive to Seaview and vis-a-versa along an alignment that is reasonably near the east end of these streets rather than along Crandon Boulevard; and 2) provision is made for pedestrians and bicyclists to go from Harbor Drive to Crandon Park along an alignment west of the commercial area at the northwest corner of Crandon Boulevard and Harbor Drive.

* * *

FLORIDACOMMERCE

Ron DeSantis
J. Alex Kelly

August 2, 2024

The Honorable Joe I. Rasco
Mayor, Village of Key Biscayne
88 West McIntyre Street
Key Biscayne, Florida 33149

Dear Mayor Rasco:

The Florida Department of Commerce (FloridaCommerce) has reviewed the proposed comprehensive plan amendment for the Village of Key Biscayne (Amendment No. 24-01ESR) received on July 3, 2024. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Village is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Village. **If the Village receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

- **The second public hearing,** which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to 163.3184(3)(c)2., F.S.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after FloridaCommerce notifies the Village that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

An equal opportunity employer/program. Auxiliary aids and service are availa upon request to individuals with disabilities. All voice telephone numbers on document may be reached by persons using TTY/TTD equipment via the Flor Relay Service at 711.

If you have any questions concerning this review, please contact Jana Williams, Regional Planning Administrator, by telephone at (850)-717-8483 or by email at jana.williams@commerce.fl.gov.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jw

Enclosure(s): Procedures for Adoption

cc: Jeremy Calleros-Gauger, NCARB, LEED-AP, AICP, Village Planning Director
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

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SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (*https://fldeo.my.salesforce-sites.com/cp/*) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format,** clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

> "The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

BUSINESS IMPACT ESTIMATE [1]

Meeting Date: January 14, 2025	**Date Posted**: January 3, 2025	**Agenda Item Number**: 9.A.

Title of Proposed Ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN REGARDING PUBLIC UTILITY USES WITHIN ALL FUTURE LAND USE MAP CATEGORIES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

This ordinance will allow public serving utilities to be located in any land-use category as described in the Village Future Land Use element of the Comprehensive Plan whereas they are limited to certain categories now.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. Estimate of Direct Business Compliance Costs:

None.

b. New Charges/Fees on Businesses Impacted:

None.

c. Estimate of Regulatory Costs:

None.

Good Faith Estimate of Number of Businesses Likely Impacted:

Multiple businesses will benefit from improved electrical reliability and reduced flooding impacts which this ordinance will enable by allowing placement of public serving utilities more broadly.

Any Additional Information:

Applicable Exemptions[2]:

This Business Impact Estimate is not required for ordinances that fall under the following exemptions:

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[1] This Business Impact Estimate is provided to comply with the requirements of Section 166.041(4), Florida Statutes. Please note that this Business Impact Estimate may be revised following its initial posting as new information or feedback becomes available.

[2] If one or more boxes are checked under this section, it indicates that the Village has determined that a business impact estimate is not required by state law for the proposed ordinance, but the Village is providing the business impact estimate as a courtesy.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The proposed ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
  - ☐ Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
  - ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, ***Vice Mayor***
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

FROM: Steven C. Williamson, Village Manager

RE: Amendment to Village Code Chapter 23, Article II – Firefighter Cancer Presumption (2nd Reading)

RECOMMENDATION

I recommend that the Village Council approve the proposed amendment to amend Village Code Chapter 23, Article 2 to the Village of Key Biscayne's Firefighters' Defined Benefit Plan. This amendment is intended to align the Plan with the requirements of Section 112.1816, Florida Statutes, which establishes a conclusive firefighter cancer presumption. To ensure compliance with this legislation and to provide our firefighters with the support they are entitled to, it is necessary to amend the Defined Benefit Plan accordingly.

BACKGROUND

Over time, studies have been conducted proving that firefighters are at a higher risk of developing cancer because of the smoke and hazardous chemicals they are exposed to in the line of duty. In 2019, the Florida Legislature, recognizing that swift action needed to be taken to address this devastating problem, voted unanimously to provide firefighters benefits related to certain cancer diagnoses and the treatment thereof.

Florida Statute §112.1816 was adopted **July 1, 2019**. The law enumerates twenty-one forms of cancer that are identified as occupational hazards automatically triggering cancer-related benefits for eligible firefighters in lieu of receiving workers' compensation.

The structure of F.S. §112.1816 is as follows:

- Subsection (1) provides for the definitions of key terms in the statute including the list of twenty-one covered cancers as well as who is a firefighter;
- Subsection (2) provides for a lump sum payment and insurance payments instead of workers' compensation upon diagnosis of a listed cancer;
- Subsection (3) provides a nonrebuttable presumption that the twenty-one listed cancers are job related for disability pension purposes; and
- Subsection (4) provides a nonrebuttable presumption that the twenty-one listed cancers are job related for death benefits, including the state death benefits under F.S. §112.191.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE II, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN", OF CHAPTER 23 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE IMPLEMENTATION OF THE CONCLUSIVE FIREFIGHTER CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES, AND THE REBUTTABLE DISEASE PRESUMPTIONS ESTABLISHED BY SECTIONS 112.18, 112.181, AND 175.231, FLORIDA STATUTES; AMENDING SECTIONS 23-48, "DISTRIBUTION OF BENEFITS," 23-49, "MISCELLANEOUS PROVISIONS," 23-58, "FEDERAL TAX PROVISIONS," AND 23-59, "QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO PENSION PLAN QUALIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne ("Village") currently has a Police Officers' and Firefighters' Retirement Plan for the benefit of Village police officers and firefighters; and

WHEREAS, after years of study, the National Institute for Occupational Safety and Health (NIOSH) concluded that firefighters are at a higher risk of developing twenty-one enumerated types of cancer; and

WHEREAS, the Florida Legislature, in recognition of this elevated cancer risk, has created a conclusive duty-related cancer presumption; and

WHEREAS, Senate Bill 426 (SB 426) amends Chapter 112, Florida Statutes, by creating Section 112.1816, governing disability and death benefits for firefighters; and

WHEREAS, SB 426 governs all firefighter pensions in Florida; and

WHEREAS, Chapters 112 and 175, Florida Statutes, establish rebuttable presumptions for firefighters in cases of heart disease, hypertension, tuberculosis, meningococcal meningitis, and hepatitis; and

WHEREAS, the Board of Trustees of the Village Pension Plan has prepared this Ordinance to implement the statutory presumptions in Chapters 112 and 175, Florida Statutes, including SB 426, effective July 1, 2019; and

WHEREAS, changes to the Internal Revenue Code happen quickly and frequently and there is a benefit in authorizing the Board of Trustees of the Village Pension Plan to make appropriate changes to the Plan in order to maintain the Plan's tax qualified status; and

WHEREAS, effective January 1, 2023, the Internal Revenue Code was amended by increasing the required minimum distribution age from 72 to 73, and further to age 75 starting on January 1, 2033; and

WHEREAS, the Internal revenue Code was also amended to repeal the direct payment to the insurer requirement on exclusion from gross income of distributions from governmental plans for health and long-term care insurance, and

WHEREAS, the Village Code should be amended to reflect this Internal Revenue Code amendment; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest and welfare of the Village and its employees.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Article II of Chapter 23 of the Village Code. That Article II, "Police Officers and Firefighters Retirement Plan," of Chapter 23, "Retirement," of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 23 – RETIREMENT

* * *

ARTICLE II. POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN

* * *

Section 23-37. – Pre-retirement death.

* * *

d) *Nonrebuttable Conclusive Cancer Presumption*. The provisions of Section112.1816, Florida Statutes, are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the conduct of disability hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.

Section 23-38. – Disability.

* * *

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

(e) *Line of Duty Presumptions.*

(1) *Rebuttable presumptions.* The provisions of Sections 112.18, 112.181 and 175.231, Florida. Statutes, are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the conduct of disability hearings relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112, 175 and 185, Florida Statutes.

(2) *Nonrebuttable conclusive cancer presumption.* The provisions of Section 112.1816, Florida. Statutes, are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the conduct of disability hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.

Section 23-48. – Distribution of benefits.

Notwithstanding any other provision of this System to the contrary, a form of retirement income payable from this System after the Effective Date of Ordinance No. 97-21, shall satisfy the following conditions:

(1) If the retirement income is payable before the Member's death:

a. It shall either be distributed or commence to the Member not later than April 1 of the calendar year following the later of the calendar year in which the Member attains age ~~70½~~ 73, provided the member had not attained age 72 by December 31, 2022, or the calendar year in which Member retires. The Plan will make all future required minimum distributions in compliance with the prevailing age restrictions and additional parameters set out in the Internal revenue Code as amended from time to time;

* * *

(2) If the Member's death occurs before the distribution of his interest in the System has commenced, Member's entire interest in the System shall be distributed within five years of Member's death, unless it is to be distributed in accordance with the following rules:

a. The Member's remaining interest in the System is payable to his Spouse, issue or dependent;

b. The remaining interest is to be distributed over the life of the Spouse, issue or dependent or over a period not extending beyond the life expectancy of the Spouse, issue or dependent; and

c. Such distribution begins within one year of the Member's death unless the Member's Spouse, is the sole designated beneficiary, in which case the distribution need not begin before the date on which the Member would have

attained age ~~70½~~ 73, provided the member had not already attained age 72 by December 31, 2022, and if the Member's Spouse dies before the distribution to the Spouse begins, this section shall be applied as if the Spouse were the Member.

Section 23-49. – Miscellaneous provisions.

* * *

(c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the Code for a qualified plan under Code section 401(a) and a governmental plan under Code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the Code as now in effect or hereafter amended, or any other applicable provisions of the U.S. Federal Tax Laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

In recognition of the changing requirements of system qualification, the Board shall adopt an administrative policy setting forth the required provisions for tax qualification. Such a policy shall be amended by the Board as required to maintain continuing compliance with the Internal Revenue Code and that policy and any amendments shall have the force of law as if adopted by the City Commission.

* * *

Section 23-58. – Federal tax provisions.

* * *

(d) *Required distributions.* Notwithstanding anything herein to the contrary, Member's benefits shall commence no later than April 1 of the calendar year following the later of (i) the calendar year in which he or she attains age ~~70 ½~~ 73, provided the member had not attained age 72 by December 31, 2022, or (ii) the calendar year in which he or she retired (the "Required Beginning Date"). All distributions from the plan (including the Share Plan) shall conform to the regulations issued under Section 401(a)(9) of the Internal Revenue Code, including the incidental death benefit provision of Section 401(a)(9)(G) of the IRC. Further, such regulation shall override any plan or Share Plan provision that is inconsistent with Section 401(a)(9) of the Internal Revenue Code. The Plan will make all future required minimum distributions in compliance with the prevailing age restrictions and additional parameters set out in the Internal Revenue Code as amended from time to time.

* * *

Section 23-59. – Qualified health insurance premium distributions.

* * *

(c) The following definitions apply for purposes of this section 23-59:

* * *

(2) A "Qualified Health Insurance Premium Distribution" is an amount deducted from an Eligible Retired Public Safety Officer's monthly benefit payment ~~and paid directly to the insurer~~ providing coverage for which Qualified Health Insurance Premiums are paid. Such amount may not exceed the amount of the Qualified Health Insurance Premiums.

* * *

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Codification. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

P: 954.527.1616 | F: 954.525.0083 | www.grsconsulting.com

February 16, 2024

CONFIDENTIAL

Mr. Israel Bichachi, ASA, MAAA
Consultant and Plan Administrator
Gabriel, Roeder, Smith & Company
One East Broward Blvd., Suite 505
Fort Lauderdale, FL 33301

Re: Village of Key Biscayne Police Officers and Firefighters Retirement Plan
Actuarial Impact Statement for Proposed Ordinance

Dear Mr. Bichachi:

As requested, we have prepared the enclosed Actuarial Impact Statement which measures the first-year financial impact for the proposed ordinance which would amend the Plan to incorporate the language of Florida Statutes Chapter 112.1816 which provides that a Firefighter who is diagnosed with certain specified cancers is presumed to have contracted those cancers while in the line of duty for purposes of determining the disability or death benefit payable from the Plan.

Summary of Findings

The actuarial impact of the proposed ordinance would increase the required Village contribution (for Firefighters) for the fiscal year ending September 30, 2025 (paid in-full on October 1, 2024) by $4,982, from $262,836 to $267,818, or by 0.15%, from 7.91% to 8.06%, as a percent of covered payroll. The unfunded actuarial accrued liability (for Firefighters) as of October 1, 2023 would decrease by $13,823, from $1,268,879 to $1,255,056.

The assumptions and methods used in this Actuarial Impact Statement are based on the same assumptions and methods shown in the October 1, 2023 Actuarial Valuation Report, including the 7.30% investment return assumption (which was lowered from 7.40% effective in that valuation). The proposed benefit change was modeled via increasing the assumed proportion of Firefighter disabilities that are assumed to be service-connected (versus non-service connected) from 75% to 85%. The "Baseline" results shown in the enclosed exhibits come from applying the change in the investment return assumption but before changing the disability assumption.

This Statement must be filed with the Division of Retirement before the final public hearing on the Ordinance. Please have a member of the Board of Trustees sign the Statement. Then please send the Statement along with a copy of the proposed Ordinance to Tallahassee.

Risks Associated with Measuring the Accrued Liability and Actuarially Determined Contribution

The determination of the accrued liability and the actuarially determined contribution requires the use of assumptions regarding future economic and demographic experience. Risk measures are intended to aid in the understanding of the effects of future experience differing from the assumptions used in the course of the actuarial valuation. Risk measures may also help with illustrating the potential volatility in the accrued liability and the actuarially determined contribution that result from the differences between actual experience and the actuarial assumptions.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions due to changing conditions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period, or additional cost or contribution requirements based on the Plan's funded status); and changes in plan provisions or applicable law. The scope of this assignment does not include an analysis of the potential range of such future measurements.

Examples of risk that may reasonably be anticipated to significantly affect the plan's future financial condition include:

1. Investment risk – actual investment returns may differ from the expected returns;

2. Contribution risk – actual contributions may differ from expected future contributions. For example, actual contributions may not be made in accordance with the plan's funding policy or material changes may occur in the anticipated number of covered employees, covered payroll, or other relevant contribution base;

3. Salary and Payroll risk – actual salaries and total payroll may differ from expected, resulting in actual future accrued liability and contributions differing from expected;

4. Longevity risk – members may live longer or shorter than expected and receive pensions for a period of time other than assumed;

5. Other demographic risks – members may terminate, retire or become disabled at times or with benefits other than assumed resulting in actual future accrued liability and contributions differing from expected.

The effects of certain trends in experience can generally be anticipated. For example, if the investment return since the most recent actuarial valuation is less (or more) than the assumed rate, the cost of the plan can be expected to increase (or decrease). Likewise if longevity is improving (or worsening), increases (or decreases) in cost can be anticipated.

Risk Assessment

A quantitative risk assessment is outside the scope of this assignment. Additional assessment may include scenario tests, sensitivity tests, stochastic modeling, stress tests, and a comparison of the present value of accrued benefits at low-risk discount rates with the actuarial accrued liability. We are prepared to perform such assessment to aid in the decision-making process.

Required Disclosures

This report was prepared at the request of the Board and is intended for use by the Retirement Plan and the Village and those designated or approved by the Board. This report may be provided to parties other than the Board only in its entirety and only with the permission of the Board. GRS is not responsible for unauthorized use of this report.

The purpose of this report is to describe the financial effect of the proposed benefit changes. No statement in this report is intended to be interpreted as a recommendation in favor of the changes, or in opposition to them. This report should not be relied on for any purpose other than the purpose described above.

The calculations in this report are based upon information furnished by the Plan Administrator for the October 1, 2023 Actuarial Valuation Report concerning plan benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We reviewed this information for internal and year-to-year consistency, but did not audit the data. We are not responsible for the accuracy or completeness of the information provided by the Plan Administrator.

The calculations are based upon assumptions regarding future events, which may or may not materialize. They are also based on the assumptions, methods, and plan provisions outlined in this report. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the authors of the report prior to relying on information in the report.

This report was prepared using our proprietary valuation model and related software which in our professional judgment has the capability to provide results that are consistent with the purposes of the valuation and has no material limitations or known weaknesses. We performed tests to ensure that the model reasonably represents that which is intended to be modeled.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge, the information contained in this report is accurate and fairly presents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and

practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

Peter N. Strong and Jeffrey Amrose are members of the American Academy of Actuaries. These actuaries meet the Academy's Qualification Standards to render the actuarial opinions contained herein.

The signing actuaries are independent of the plan sponsor.

This actuarial valuation and/or cost determination was prepared and completed by us or under our direct supervision, and we acknowledge responsibility for the results. To the best of our knowledge, the results are complete and accurate. In our opinion, the techniques and assumptions used are reasonable, meet the requirements and intent of Part VII, Chapter 112, Florida Statutes, and are based on generally accepted actuarial principles and practices. There is no benefit or expense to be provided by the Plan and/or paid from the Plan's assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

We welcome your questions and comments.

Respectfully submitted,
Gabriel, Roeder, Smith & Company

Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 23-06975
Senior Consultant & Actuary

Jeffrey Amrose, MAAA, FCA
Enrolled Actuary No. 23-06599
Senior Consultant & Actuary

Enclosure

Village of Key Biscayne Police Officers and Firefighters Retirement Plan

Actuarial Impact Statement – February 16, 2024

Description of Amendment

The proposed ordinance would amend the Plan to incorporate the language of Florida Statutes Chapter 112.1816 which provides that a Firefighter who is diagnosed with certain specified cancers is presumed to have contracted those cancers while in the line of duty for purposes of determining the disability or death benefit payable from the Plan.

Funding Implications of Amendment

An actuarial cost estimate is attached.

Certification of Administrator

I believe the amendment to be in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the Constitution of the State of Florida.

_____

For the Board of Trustees
as Plan Administrator

Actuarial Impact Statement

Plan

Village of Key Biscayne Police Officers and Firefighters Retirement Plan

Valuation Date

October 1, 2023

Date of Report

February 16, 2024

Report Requested by

Board of Trustees

Prepared by

Peter N. Strong, FSA, EA, MAAA, FCA

Group Valued

All active and inactive members

Participants Affected

All active Firefighter members

Plan Changes Being Proposed

The proposed ordinance would amend the Plan to incorporate the language of Florida Statutes Chapter 112.1816 which provides that a Firefighter who is diagnosed with certain specified cancers is presumed to have contracted those cancers while in the line of duty for purposes of determining the disability or death benefit payable from the Plan.

Actuarial Assumptions and Methods

Same as October 1, 2023 Actuarial Valuation Report.

Some of the key assumptions/methods are:

Investment Return	–	7.30%
Mortality Tables	–	Same mortality tables used in the July 1, 2022 actuarial valuation of the Florida Retirement System
Salary increase	–	3.50% to 9.25% per year, depending on group and service
Cost Method	–	Entry Age Normal

Amortization Period for Change in Actuarial Accrued Liability Associated with Proposed Changes

20 years

Summary of Data Used in Report

See attached page(s). Same as used in the October 1, 2023 Actuarial Valuation.

Actuarial Impact of Proposal(s)

See attached page(s).

Special Risks Involved with the Proposal That the Plan Has Not Been Exposed to Previously

None

Actuarially Determined Contribution (ADC)
Firefighters

A. Valuation Date	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
B. ADC to Be Paid During Fiscal Year Ending	9/30/2025	9/30/2025
C. Assumed Date of Employer Contrib.	10/1/2024	10/1/2024
D. Annual Payment to Amortize Unfunded Actuarial Accrued Liability	$ 356,445	$ 357,690
E. Employer Normal Cost	394,128	388,235
F. ADC if Paid on the Valuation Date: D + E	750,573	745,925
G. ADC Adjusted for Frequency of Payments	786,566	781,918
H. ADC as % of Covered Payroll	24.63 %	24.48 %
I. Assumed Rate of Increase in Covered Payroll to Contribution Year	4.00 %	4.00 %
J. Covered Payroll for Contribution Year	3,321,237	3,321,237
K. ADC for Contribution Year: H x J	818,021	813,039
L. Estimated State Revenue	550,203 *	550,203 *
M. Required Village Contribution	267,818	262,836
N. Village Contribution as % of Payroll	8.06 %	7.91 %

* Reflects the actual State Revenue received for fiscal year 2023 (as published by the State in 2023). The actual required Village contributions for fiscal years 2024 and 2025 should be adjusted to reflect the actual State Revenue received in 2024 and 2025, respectively.

Actuarially Determined Contribution (ADC)
Police Officers

A. Valuation Date	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
B. ADC to Be Paid During Fiscal Year Ending	9/30/2025	9/30/2025
C. Assumed Date of Employer Contrib.	10/1/2024	10/1/2024
D. Annual Payment to Amortize Unfunded Actuarial Accrued Liability	$ 235,639	$ 235,639
E. Employer Normal Cost	424,793	424,793
F. ADC if Paid on the Valuation Date: D + E	660,432	660,432
G. ADC Adjusted for Frequency of Payments	674,067	674,067
H. ADC as % of Covered Payroll	18.16 %	18.16 %
I. Assumed Rate of Increase in Covered Payroll to Contribution Year	4.00 %	4.00 %
J. Covered Payroll for Contribution Year	3,860,707	3,860,707
K. ADC for Contribution Year: H x J	701,104	701,104
L. Estimated State Revenue	208,425 *	208,425 *
M. Required Village Contribution	492,679	492,679
N. Village Contribution as % of Payroll	12.76 %	12.76 %

* Reflects the actual State Revenue received for fiscal year 2023 (as published by the State in 2023). The actual required Village contributions for fiscal years 2024 and 2025 should be adjusted to reflect the actual State Revenue received in 2024 and 2025, respectively.

Actuarial Value of Benefits and Assets
Firefighters and Police Officers

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Actuarial Present Value (APV) of All Projected Benefits		
1. Active Members		
a. Service Retirement Benefits	$ 24,933,131	$ 24,933,131
b. Vesting Benefits	737,191	737,191
c. Disability Benefits	2,255,198	2,227,453
d. Preretirement Death Benefits	239,771	239,771
e. Return of Member Contributions	153,845	154,165
f. Total	28,319,136	28,291,711
2. Inactive Members		
a. Service Retirees & Beneficiaries	34,667,518	34,667,518
b. Disability Retirees	2,122,271	2,122,271
c. Terminated Vested Members	37,198	37,198
d. Total	36,826,987	36,826,987
3. Total for All Members	65,146,123	65,118,698
C. Actuarial Accrued (Past Service) Liability	53,651,752	53,665,575
D. APV of Accumulated Plan Benefits	N/A	N/A
E. Plan Assets		
1. Market Value	49,949,223	49,949,223
2. Actuarial Value	50,721,971	50,721,971
F. Unfunded Actuarial Accrued Liability: C - E2	2,929,781	2,943,604
G. APV of Projected Covered Payroll	55,111,911	55,111,911
H. APV of Projected Member Contributions	5,786,751	5,786,751
I. Accumulated Contributions of Active Members	4,672,628	4,672,628
J. Funded Ratio: E2 / C	94.5%	94.5%

Actuarial Value of Benefits and Assets
Firefighters

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Actuarial Present Value (APV) of All Projected Benefits		
1. Active Members		
a. Service Retirement Benefits	$ 12,135,006	$ 12,135,006
b. Vesting Benefits	501,724	501,724
c. Disability Benefits	973,036	945,291
d. Preretirement Death Benefits	104,511	104,511
e. Return of Member Contributions	53,538	53,858
f. Total	13,767,815	13,740,390
2. Inactive Members		
a. Service Retirees & Beneficiaries	22,702,256	22,702,256
b. Disability Retirees	699,734	699,734
c. Terminated Vested Members	-	-
d. Total	23,401,990	23,401,990
3. Total for All Members	37,169,805	37,142,380
C. Actuarial Accrued (Past Service) Liability	31,769,617	31,783,440
D. Plan Assets		
1. Market Value	30,049,672	30,049,672
2. Actuarial Value	30,514,561	30,514,561
E. Unfunded Actuarial Accrued Liability: C - D2	1,255,056	1,268,879
F. APV of Projected Covered Payroll	26,045,122	26,045,122
G. APV of Projected Member Contributions	2,734,738	2,734,738
H. Accumulated Contributions of Active Members	2,370,706	2,370,706
I. Funded Ratio: D2 / C	96.0%	96.0%

Actuarial Value of Benefits and Assets
Police Officers

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Actuarial Present Value (APV) of All Projected Benefits		
1. Active Members		
a. Service Retirement Benefits	$ 12,798,125	$ 12,798,125
b. Vesting Benefits	235,467	235,467
c. Disability Benefits	1,282,162	1,282,162
d. Preretirement Death Benefits	135,260	135,260
e. Return of Member Contributions	100,307	100,307
f. Total	14,551,321	14,551,321
2. Inactive Members		
a. Service Retirees & Beneficiaries	11,965,262	11,965,262
b. Disability Retirees	1,422,537	1,422,537
c. Terminated Vested Members	37,198	37,198
d. Total	13,424,997	13,424,997
3. Total for All Members	27,976,318	27,976,318
C. Actuarial Accrued (Past Service) Liability	21,882,135	21,882,135
D. Plan Assets		
1. Market Value	19,899,551	19,899,551
2. Actuarial Value	20,207,410	20,207,410
E. Unfunded Actuarial Accrued Liability: C - D2	1,674,725	1,674,725
F. APV of Projected Covered Payroll	29,066,789	29,066,789
G. APV of Projected Member Contributions	3,052,013	3,052,013
H. Accumulated Contributions of Active Members	2,301,922	2,301,922
I. Funded Ratio: D2 / C	92.3%	92.3%

Calculation of Employer Normal Cost
Firefighters and Police Officers

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Normal Cost for		
1. Service Retirement Benefits	$ 1,105,332	$ 1,105,332
2. Vesting Benefits	59,490	59,490
3. Disability Benefits	232,327	226,332
4. Preretirement Death Benefits	12,131	12,131
5. Return of Member Contributions	47,665	47,767
6. Total for Future Benefits	1,456,945	1,451,052
7. Assumed Amount for Administrative Expenses	87,076	87,076
8. Total Normal Cost	1,544,021	1,538,128
C. Expected Member Contribution	725,100	725,100
D. Employer Normal Cost: B8 - C	818,921	813,028
E. Employer Normal Cost as a % of Covered Payroll	11.86%	11.77%

Calculation of Employer Normal Cost
Firefighters

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Normal Cost for		
1. Service Retirement Benefits	$ 510,652	$ 510,652
2. Vesting Benefits	37,174	37,174
3. Disability Benefits	101,820	95,825
4. Preretirement Death Benefits	5,018	5,018
5. Return of Member Contributions	19,075	19,177
6. Total for Future Benefits	673,739	667,846
7. Assumed Amount for Administrative Expenses	55,706	55,706
8. Total Normal Cost	729,445	723,552
C. Expected Member Contribution	335,317	335,317
D. Employer Normal Cost: B8 - C	394,128	388,235
E. Employer Normal Cost as a % of Covered Payroll	12.34%	12.16%

Calculation of Employer Normal Cost
Police Officers

	October 1, 2023 *Proposed Changes*	October 1, 2023 *Baseline*
A. Valuation Date		
B. Normal Cost for		
1. Service Retirement Benefits	$ 594,680	$ 594,680
2. Vesting Benefits	22,316	22,316
3. Disability Benefits	130,507	130,507
4. Preretirement Death Benefits	7,113	7,113
5. Return of Member Contributions	28,590	28,590
6. Total for Future Benefits	783,206	783,206
7. Assumed Amount for Administrative Expenses	31,370	31,370
8. Total Normal Cost	814,576	814,576
C. Expected Member Contribution	389,783	389,783
D. Employer Normal Cost: B8 - C	424,793	424,793
E. Employer Normal Cost as a % of Covered Payroll	11.44%	11.44%

Participant Data
Firefighters and Police Officers

	October 1, 2023
Active Members	
Number	69
Covered Annual Payroll	$ 6,905,715
Average Annual Payroll	$ 100,083
Average Age	42.7
Average Past Service	7.6
Average Age at Hire	35.1
Service Retirees, Beneficiaries & DROP Participants	
Number	57
Annual Benefits	$ 3,086,582
Average Annual Benefit	$ 54,151
Average Age	64.4
Disability Retirees	
Number	3
Annual Benefits	$ 210,641
Average Annual Benefit	$ 70,214
Average Age	58.0
Terminated Vested Members	
Number	1
Annual Benefits	$ 10,632
Average Annual Benefit	$ 10,632
Average Age	38.2

Participant Data
Firefighters

	October 1, 2023
Active Members	
Number	32
Covered Annual Payroll	$ 3,193,497
Average Annual Payroll	$ 99,797
Average Age	42.0
Average Past Service	8.3
Average Age at Hire	33.7
Service Retirees, Beneficiaries & DROP Participants	
Number	29
Annual Benefits	$ 1,988,695
Average Annual Benefit	$ 68,576
Average Age	63.5
Disability Retirees	
Number	1
Annual Benefits	$ 69,467
Average Annual Benefit	$ 69,467
Average Age	53.2
Terminated Vested Members	
Number	0
Annual Benefits	$ 0
Average Annual Benefit	$ 0
Average Age	0.0

Participant Data
Police Officers

	October 1, 2023
Active Members	
Number	37
Covered Annual Payroll	$ 3,712,218
Average Annual Payroll	$ 100,330
Average Age	43.2
Average Past Service	7.1
Average Age at Hire	36.1
Service Retirees, Beneficiaries & DROP Participants	
Number	28
Annual Benefits	$ 1,097,887
Average Annual Benefit	$ 39,210
Average Age	65.3
Disability Retirees	
Number	2
Annual Benefits	$ 141,174
Average Annual Benefit	$ 70,587
Average Age	60.4
Terminated Vested Members	
Number	1
Annual Benefits	$ 10,632
Average Annual Benefit	$ 10,632
Average Age	38.2

BUSINESS IMPACT ESTIMATE [1]

Meeting Date: January 14, 2025	**Date Posted**: January 3, 2025	**Agenda Item Number**: 9.B.

Title of Proposed Ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE II, "POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN", OF CHAPTER 23 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE IMPLEMENTATION OF THE CONCLUSIVE FIREFIGHTER CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES, AND THE REBUTTABLE DISEASE PRESUMPTIONS ESTABLISHED BY SECTIONS 112.18, 112.181, AND 175.231, FLORIDA STATUTES; AMENDING SECTIONS 23-48, "DISTRIBUTION OF BENEFITS," 23-49, "MISCELLANEOUS PROVISIONS," 23-58, "FEDERAL TAX PROVISIONS," AND 23-59, "QUALIFIED HEALTH INSURANCE PREMIUM DISTRIBUTIONS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO PENSION PLAN QUALIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The proposed ordinance amends the Village of Key Biscayne's Firefighters' Defined Benefit Plan to comply with Florida Statute §112.1816 is a crucial step toward supporting the health and well-being of our firefighters who selflessly protect our community. By aligning the Plan with the statutory requirements, the Village not only ensures compliance with state law but also demonstrates a strong commitment to providing essential protections and benefits.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. Estimate of Direct Business Compliance Costs:

None.

b. New Charges/Fees on Businesses Impacted:

None.

c. Estimate of Regulatory Costs:

None.

Good Faith Estimate of Number of Businesses Likely Impacted:

Not applicable.

Any Additional Information:

[1] This Business Impact Estimate is provided to comply with the requirements of Section 166.041(4), Florida Statutes. Please note that this Business Impact Estimate may be revised following its initial posting as new information or feedback becomes available.

Applicable Exemptions[2]:

This Business Impact Estimate is not required for ordinances that fall under the following exemptions:

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The proposed ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
  - ☐ Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
  - ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

[2] If one or more boxes are checked under this section, it indicates that the Village has determined that a business impact estimate is not required by state law for the proposed ordinance, but the Village is providing the business impact estimate as a courtesy.

VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

FROM: Steven C. Williamson, Village Manager

RE: Ordinance Amending Chapter 19 "Park Rules and Regulations Creating Section 19-19 "No Trespassing During Closure Hours"

RECOMMENDATION

I recommend that the Village Council approve amending Chapter 19 "Parks Rules and Regulations" by creating Section 19-19 "No Trespassing During Closure Hours".

BACKGROUND

Currently, the Village does not have established closure hours for its parks. The absence of codified closure hours has created challenges in addressing late-night park use, noise disturbances, vandalism and other public safety concerns. The Police Department's ability to proactively address these activities is restricted without a clear "no trespassing" provision in the Village's code.

The Parks Recreation and Open Spaces Department will prominently post signs notifying residents and visitors of each parks' closure hours.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, "PARK RULES AND REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO CREATE SECTION 19-19, "PARK HOURS," RELATING TO PARK HOURS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") has adopted park rules within the Village under Chapter 19 of the Village Code of Ordinances (the "Code"); and

WHEREAS, the Village Council finds it periodically necessary to amend its Code in order to update regulations to implement goals and objectives and address safety concerns relating to parks within the Village; and

WHEREAS, the Village Council desires to amend the Village Code to establish park hours within Village parks; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Chapter 19, "Park Rules and Regulations," of the Village Code. That Chapter 19 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 19 – PARK RULES AND REGULATIONS

***

Section 19-19. Park Hours.

No person shall be or remain in any park between sunset and sunrise, except in lit facilities designated for such use by the Village. The Village Manager or designee has the authority to establish exceptions to the closing hours set forth in this Section when it is in the interest of the public health, safety or welfare, and such exceptions shall be posted.

***

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

BUSINESS IMPACT ESTIMATE [1]

Meeting Date: January 14, 2025	**Date Posted**: January 3, 2025	**Agenda Item Number**: 9.C.

Title of Proposed Ordinance:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, "PARK RULES AND REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO CREATE SECTION 19-19, "PARK HOURS," RELATING TO PARK HOURS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

This ordinance establishes official operating hours for parks, where previously no such hours were designated. The purpose of this ordinance is to enhance public safety, promote the orderly use of park facilities, and preserve the quality of the parks for community enjoyment.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. Estimate of Direct Business Compliance Costs:

Direct business compliance costs are not applicable as this is a general ordinance.

b. New Charges/Fees on Businesses Impacted:

Not applicable, as there are no new charges being imposed on businesses who comply with park hours.

c. Estimate of Regulatory Costs:

There are no new regulatory costs associated with this Ordinance.

Good Faith Estimate of Number of Businesses Likely Impacted:

Not applicable.

Any Additional Information:

Currently, the Village does not have established closure hours for its parks. The absence of codified closure hours has created challenges in addressing late-night park use, noise disturbances, vandalism and other public safety concerns. The Police Department's ability to proactively address these activities is restricted without a clear "no trespassing" provision in the Village's code.

Parks will be closed to the public from sunset to sunrise, except for designated, lit facilities approved for such use. The Village Manager or their designee may authorize exceptions to the closing hours when deemed necessary for public health, safety, or welfare. The Parks Recreation and Open Spaces Department will prominently post signs notifying residents and visitors of each parks' closure hours.

[1] This Business Impact Estimate is provided to comply with the requirements of Section 166.041(4), Florida Statutes. Please note that this Business Impact Estimate may be revised following its initial posting as new information or feedback becomes available.

Applicable Exemptions[2]:

This Business Impact Estimate is not required for ordinances that fall under the following exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The proposed ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
  - ☐ Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
  - ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

[2] If one or more boxes are checked under this section, it indicates that the Village has determined that a business impact estimate is not required by state law for the proposed ordinance, but the Village is providing the business impact estimate as a courtesy.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 1-2, "RULES OF CONSTRUCTION AND DEFINITIONS", TO CREATE A DEFINITION FOR THE TERM "PUBLICATION" AND COMPREHENSIVELY AMENDING AND REVISING THE VILLAGE CODE OF ORDINANCES TO ALLOW VILLAGE ADVERTISEMENTS AND LEGAL NOTICES TO BE PUBLISHED IN ANY MANNER PERMITTED UNDER FLORIDA LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the Florida Constitution requires all meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted to be open to the public and properly noticed; and

WHEREAS, Chapter 50, Florida Statutes, was amended to allow legal advertisements and public notices to be published on publicly accessible websites as an alternative to newspapers of general circulation under certain conditions; and

WHEREAS, the use of publicly accessible websites for legal advertisements and public notices can provide a cost-effective and efficient means of informing the public, consistent with the requirements of Chapter 50, Florida Statutes; and

WHEREAS, the Village Council recognizes the need to ensure that all legal advertisements and public notices meet the statutory standards for accessibility, transparency, and timeliness; and

WHEREAS, Section 50.0311, Florida Statutes, allows governmental agencies to use the designated publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper; and

WHEREAS, on April 2, 2024, the Miami-Dade County (the "County") Board of County Commissioners ("BCC") adopted Resolution No. R-281-24, which, among other things, directed the County Mayor's administration to take all necessary steps to provide for publication of municipal legal advertisements and public notices on a publicly accessible website of the County in accordance with Section 50.0311, Florida Statutes; and

WHEREAS, on July 16, 2024, the County BCC adopted Resolution No. R-693-24, which, among other things, designated "legalads.miamidade.gov" (the "Site") as the County's publicly accessible website; and

WHEREAS, on August 27, 2024, the Village Council adopted Resolution No. 2024-39 approving an agreement with the County for use of the Site for publication of the Village's legal advertisements and public notices; and

WHEREAS, the Village Council desires to comprehensively amend the Code to allow legal notices to be published in any manner authorized by Florida Law, including publication on the County's Site, to enhance flexibility and efficiency in meeting statutory requirements; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest of the life, safety and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending the Code of Ordinance. That the Village Code of Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

---

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

PASSED on first reading on the _____ day of _____, 2025.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT A

CHAPTER 1 – GENERAL PROVISIONS

* * *

Section 1-2. Rules of construction and definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Officers, boards, commissions, committees, departments, etc. Whenever any officer, board, commission, committee, department or other agency is referred to by title, such reference shall be construed as if followed by the words "of Key Biscayne," unless indicated to the contrary.

Publication or Publish. Whenever the term "*Publication*" or "*Publish*" is used in this Code to require an official or legal advertisement or public notice, it shall be construed to mean to publish a legal notice in a newspaper of general circulation, on a publicly accessible website in accordance with Chapter 50, Florida Statutes, or any other method of publication expressly authorized by Florida law and consistent with the Village Charter, the Miami-Dade County Charter, or any other applicable legal authority.

* * *

CHAPTER 2 – ADMINISTRATION

* * *

ARTICLE V. - ELECTIONS

* * *

Section 2-101. Qualifying period.

(a) Regular Election. Candidates for the office of Mayor shall qualify with the Village Clerk no earlier than noon on the 77th day and no later than noon on the 67th day prior to the date of the Mayoral primary election, and candidates for the office of Village Council shall qualify with the Village Clerk no earlier than noon on the 85th day and no later than noon on the 75th day prior to the date of the regular Council election of the Village, in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes. The qualifying periods provided for in this section may be modified for a specific election by resolution of the Village Council in order to accommodate a request by the Miami-Dade County Supervisor of Elections office or a successor entity or to comply with state or Federal law. In the event of such modification, the Village Clerk shall Ppublish the modified qualifying dates ~~in a newspaper of general circulation within the Village~~ at least ten days prior to the commencement of the modified qualifying periods.

* * *

CHAPTER 20 – PLANNING AND DEVELOPMENT

* * *

ARTICLE II. – NAMING OF STREETS, ROADS, OR OTHER PUBLIC WAYS

* * *

Section 20-33. Publication of notice.

Upon notation and verification of the name change in postal records by the United States Postal Service, notice of the street name change or designation shall be Ppublished ~~in a newspaper of general circulation within the Village~~ and shall be in substantially the following form:

* * *

CHAPTER 21 – PUBLIC RIGHTS-OF-WAY

* * *

ARTICLE II. – LANDSCAPING IN PUBLIC RIGHTS-OF-WAY

* * *

Section 21-12. Village projects within the Public Rights-of-Way.

The following procedures shall be followed in circumstances where Village projects or improvements in the Public Right-of-Way require removal of Landscape Materials ("Village Projects"):

* * *

(c) At least 60 days prior to an Approval Hearing, the Village shall also Publish ~~place~~ an ad ~~in a newspaper of wide readership in the Village~~ containing information regarding the Village Project and the time and date of the Approval Hearing;

* * *

CHAPTER 29.1 – SPECIAL ASSESSMENTS FOR ROADS, WATER, STREET LIGHTING, SANITARY SEWER AND OTHER PUBLIC IMPROVEMENTS

* * *

Section 29.1-5. Publication of resolution.

Upon the adoption of the resolution provided for in s. 29.1-3, the Village Clerk shall cause said resolution to be Ppublished ~~one time in a newspaper of general circulation published in the Village, and if there be no newspaper published in said Village, the Village Clerk shall cause said resolution to be published~~ once a week for a period of two weeks ~~in a newspaper of general circulation published in Miami-Dade County~~. Additionally, the Ppublication shall be made twice in a local newspaper.

* * *

Section 29.1-7. Publication of preliminary assessment roll.

Upon the completion of said preliminary assessment roll, the Council shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before said Council and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Twenty days notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each of such property owners at his or her last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser of Miami-Dade County or from such other sources as the Village Clerk or Village Manager deems reliable, proof of such mailing to be made by the affidavit of the Clerk or deputy clerk of the Village, said proof to be filed with the Clerk, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two Ppublications made a week apart ~~in a newspaper of general circulation in the Village, and if there be no newspaper published in the Village the Village Clerk shall cause said notice to be published in like manner in a newspaper of general circulation published in Miami-Dade County~~; provided that the last Ppublication shall be at least one week prior to the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the Village Clerk. Such service by Ppublication shall be verified by the affidavit of the publisher and filed with the Village Clerk.

* * *

Section 29.1-10. - Legal proceedings may be instituted.

Each annual installment provided for in section 29.1-9 shall be paid upon the dates specified in said resolution, with interest upon all deferred payments, until the entire amount of said assessment has been paid, and upon the failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the Council shall cause to be brought the necessary legal proceedings by the Village Attorney to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred, including a reasonable attorneys' fee, to be assessed as part of the costs and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment, with the interest and penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or

nonresident defendants may be had by Ppublication as now provided by law in other like suits. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceeding may be instituted and prosecuted under chapter 173.

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

* * *

Section 30-65. Administrative Variances.

* * *

(d) Upon receipt of all necessary information including a staff report, the Director of the Building, Zoning and Planning Department shall review the information and render his or her decision either approving, approving with modifications, or denying the request. A copy of said decision shall be Ppublished ~~in a newspaper of general circulation in the Village. A~~ and a courtesy notice containing the decision of the Director of the Building, Zoning and Planning Department shall be mailed to adjacent Property owners of record, their tenants or their agents, as noted on the application. The failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder. In granting any administrative Variance, the Director of the Building, Zoning and Planning Department may prescribe any appropriate conditions and safeguards he may feel necessary to protect and further the interest of the area and adjacent Properties.

* * *

Section 30-67. Summary of Variance Regulations.

Regulation	Supervisory Variance*	Administrative Variance*	Regulatory Variance
* * *			
Notice by Publication** ~~in newspaper~~	No	Yes	Yes
* * *			

Section 30-68. Public hearing and notice requirements.

(a) When an application is filed which requires a public hearing before the Village Council, the Village Clerk shall schedule same and ~~provide~~ Publish the public notice as set forth below.

* * *

(c) Notice of the time and place of the public hearing describing the nature of the application and Street address of the property shall be Ppublished ~~in a newspaper of general circulation in the Village~~ not less than ten days prior to the public hearing.

* * *

Section 30-70. - Appeal of an administrative decision.

* * *

(c) Notice of the time and place of the public hearing describing the nature of the application and Street address of the property shall be Ppublished ~~in a newspaper of general circulation in the Village~~ not less than ten days prior to the public hearing.

* * *

(c) Public notice shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-71. - Procedures for a text change or zoning district change.

(a) Text amendment procedures. The text of these Zoning and Land Development Regulations may be amended in accordance with the following procedures:

* * *

(5) Public notice shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-72. - Conditional Use procedures.

* * *

(b) Notice. Public notice requirements shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-73. - Site Plan review procedures.

* * *

(m) Notification. Notification shall be by Publication pursuant to section 30-68 "Public Hearing and Notice Requirements". Whenever notification to property owners is required, the applicant making the request shall submit the following to the Building, Zoning, and Planning Department:

* * *

ARTICLE V. – SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

* * *

Section 30-102. GU Government Use District.

* * *

(d) *Approval Process.* Prior to establishing any new use of lands designated GU, the Village shall conduct the following public hearing(s):

(1) The Village Council shall conduct a public hearing to determine the Use(s) to which particular land purchased for Governmental Use may be put. The public hearing before the Village Council shall be held upon at least 15 days' notice of the time and place of such hearing Ppublished ~~in a newspaper of general circulation in the Village~~. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the proposed Use may be mailed to the property owners of record within a radius of 300 feet of the property on which the facility will be located, or such greater distance as the Village Manager may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a Sign or Signs indicating the action desired and the time and place of the public hearing thereon.

* * *

ARTICLE VIII. – SIGNS

* * *

Sec. 30-201. Removal of improper Signs.

* * *

(c) *Removal costs.* Costs incurred by the Village's removal of a Sign shall be charged to the real property owner on whose property the Sign is located. The Village shall assess the entire cost of such demolition, removal or repair, which assessment shall include, but not be limited to, all administrative costs, postal expenses and ~~newspaper p~~Publication costs. Such charge shall constitute a lien upon such property. The Village Clerk shall file such lien in the County's official record book showing the nature of such lien, the amount thereof and an accurate legal description of the property. No certificate of use and occupancy shall be

approved for such a property until the full amount associated with the lien, or the full amount in the event no lien has yet been filed, has been paid to the Village by the property owner.

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, ***Vice Mayor***
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director

RE: Requiring all construction fences to be 72" high.

RECOMMENDATION

I recommend the Village Council approve the modification Section 5-4, "Standards for Maintenance and Appearance of Property Upon Which Construction or Demolition is Being Performed" so that requirements for construction fences apply to all construction sites rather than solely those in single and two-family districts.

BACKGROUND

Maintaining appearances and safety at construction sites is essential for quality of life in the Village. Currently, the code requires screening construction sites with fences Chapter 5 – "Property Maintenance Standards." Village Council has recently voted to delete Chapter 30 fence regulations which require a 42-inch-tall fence. Chapter 5 regulations were adopted in 2013 and require a 72-inch-tall fence, thought they only specify that the fence be used in single family or two-family homes. This code amendment will apply the standard to all construction sites.

REVIEW CRITERIA

The Village's procedures for a text change provides for the amendment of the Zoning and Land Development Regulations provided that such amendments are consistent with the following criteria per Sec. 30-71(b) of the Village Ordinances:

Criteria 1	The proposed amendment is consistent with the Comprehensive Plan.
Analysis	The Comprehensive Plan includes language regarding quality of life but is generally concerned with future development of private property and maintenance of public infrastructure. The Comprehensive Plan does not directly call for standards governing maintenance of private property. It is consistent with the Masterplan to preserve quality of life and to remove the regulation of private property maintenance from the zoning ordinance.
Finding	Consistent

Criteria 2	The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.
Analysis	The proposed changes will not affect the consistency in scale between buildings.
Finding	Not applicable.
Criteria 3	The resulting boundaries of a zoning district are logically drawn.
Analysis	The proposed changes do not alter the zoning districts.
Finding	Not applicable
Criteria 4	The proposed changes will enhance property values in the Village.
Analysis	The proposed changes will minimize harm from construction sites.
Finding	Consistent
Criteria 5	The proposed change will enhance the quality of life in the Village.
Analysis	The proposed change will simplify the
Finding	Consistent
Criteria 6	There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
Analysis	It is in the best interests of the Village that codes are clear to the residents and to the staff tasked with enforcing regulations. Simplifying regulations by having maintenance and construction in a single location is in the best interest of Village.
Finding	Consistent

CONCLUSION

Based on Findings and relevant background information, staff recommends that Council approve the zoning text amendment.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 5-4, "STANDARDS FOR MAINTENANCE AND APPEARANCE OF PROPERTY UPON WHICH CONSTRUCTION OR DEMOLITION IS BEING PERFORMED," OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") has adopted regulations governing the appearance of property upon which construction or demolition is being performed under Sections 5-4, "Standards for Maintenance and Appearance of Property Upon Which Construction or Demolition is Being Performed," of the Village Code of Ordinances (the "Code"); and

WHEREAS, Village Staff recommends amending Section 5-4 of the Village Code in order to ensure consistency among regulations governing the appearance of property upon which construction or demolition is being performed; and

WHEREAS, the Village Council finds it periodically necessary to amend its Code of Ordinances in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the Village Council desires to amend Section 5-4, "Standards for Maintenance and Appearance of Property Upon Which Construction or Demolition is Being Performed," of Chapter 5 of the Village Code; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Sections 5-4 of the Village Code. That Section 5-4, "Standards for Maintenance and Appearance of Property Upon Which Construction or Demolition is Being Performed," of the Code of Key Biscayne, Florida, is hereby amended as follows:

CHAPTER 5 – PROPERTY MAINTENANCE STANDARDS

* * *

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Sec. 5-4. Standards for maintenance and appearance of property upon which construction or demolition is being performed.

(a) *Public notice.* After the initial construction permits have been submitted to the Village for any construction ~~of a structure on a single family or two family lot~~ or demolition, the owner or contractor hired by the Responsible Party shall post a "Public Notice" on the property advising the public of such submittal. Said notice shall be posted in a form provided by the Village within ten days of the filing of the application and proof of posting with a dated photo shall be furnished to the Village Building Planning and Zoning Department. Said notice shall be maintained on site for not less than 30 consecutive days. Within the ten-day posting period, the responsible party shall also mail a copy of the notice (certified registered-return receipt) to each contiguous property owner with proof of mailing provided to the Village. The Building, Zoning and Planning Director may waive the requirements provided for in this section.

* * *

(c) *Perimeter fence.* All ~~lots on which a new single family or two family home is to be constructed are required to~~ construction sites shall be secured on all sides with a six-foot chain link fence with windscreens prior to the commencement of any construction or demolition of a structure, addition to an existing structure, renovation of an existing structure, or any construction involving excavation or exposure of the interior of an existing structure. Such fence shall remain in place until the drywall, windows and doors have been constructed. However, in no instance shall the swimming pool be left unsecured. The perimeter fence may be temporarily opened and/or removed as necessary for construction purposes. The Building, Zoning and Planning Director may waive the requirements provided for in this section if the adjoining property has an existing fence or wall, or if the construction activity involves minor renovations.

* * *

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2025.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager SCW

FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director

RE: 920 Mariner Drive: Regulatory Variance

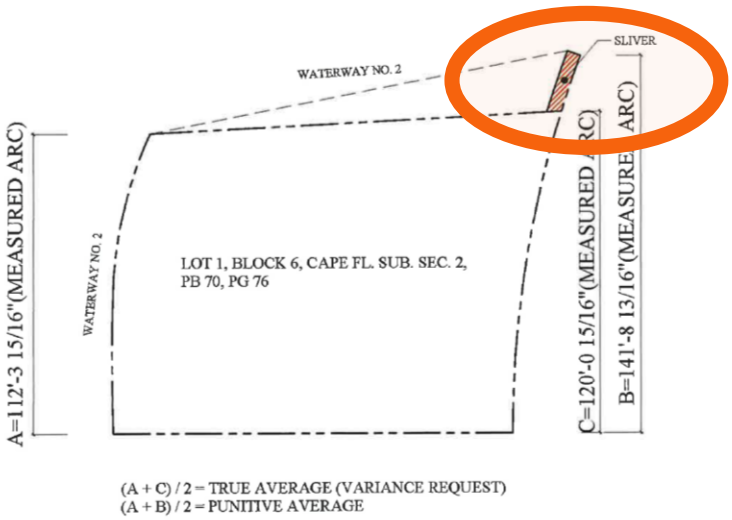
APPLICATION SUMMARY

Applicant	MEL Trustees, LLC.
Request(s)	Approving a variance request to vary the sum of the side yard setback requirements by 3 feet and 3 inches.
Site Address	920 Mariner Drive
Master Plan	Low Density Single Family Residential
Zoning District	VE – Village Estate
File Number(s)	RV-PZR25-00004
Recommendation	Approval

The Request:

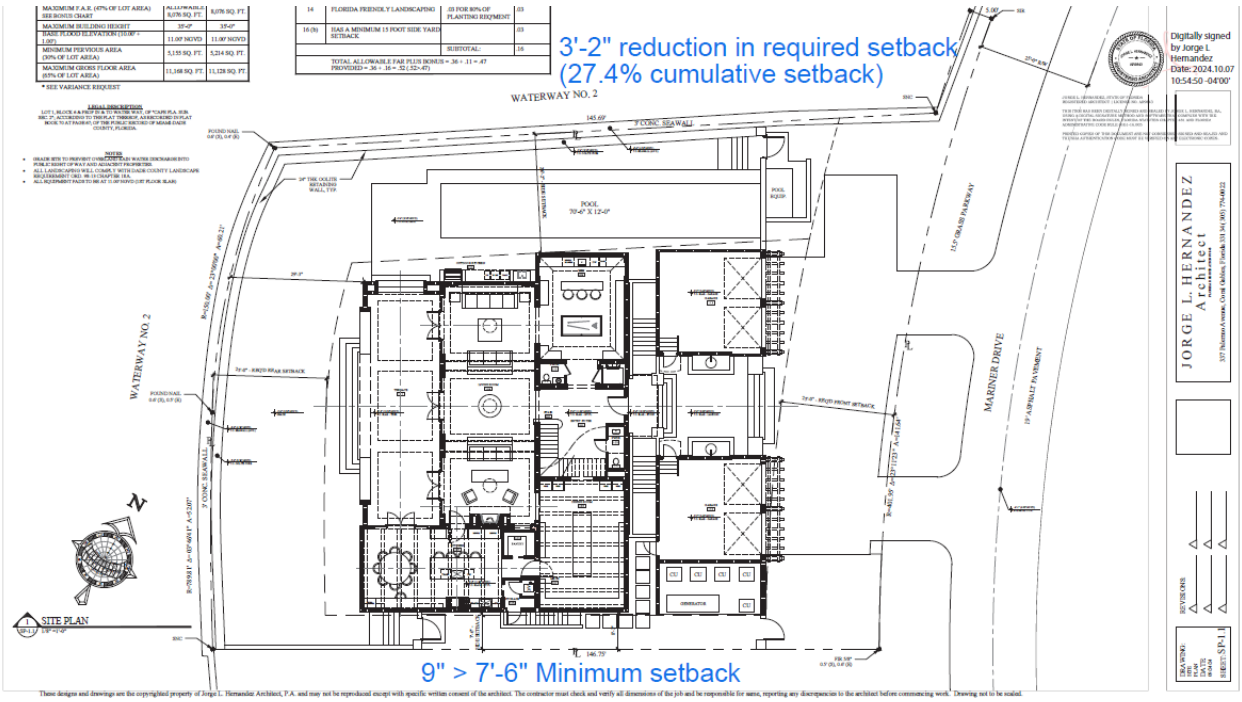
The Key Biscayne Zoning and Land Development Regulations (the "Code") requires that single family homes have side setbacks that equal 30 percent of a lot's average lot width. Per the Code's definition, the Average Lot Width is the average of the width of the lot at the front and rear property lines. The Variance request is to vary the sum of the side yard setback requirements by 3 feet and 3 inches.

The circled and hatched area labeled "Sliver" below is the portion the applicant would like to exclude from the calculation of the average width of the property. (Image created from application).



	30% Setback	
By right	38'-1 5/16"	30% of total width
Variance	34'-10 5/16"	27.4% of total width
Reduction	3'-3"	2.6%

In the case of the applicant's site plan shows an increase above the minimum setback on the south interior lot from 7'-6" to 8'-3" and reduction from a subsequent required 29'-4" setback on the north side to 26'-2". The area of reduced setback abuts a canal. See below.



(Blue text added to applicant drawing).

Property Description: The subject Property is a vacant 17,182 SF parcel of land located west of Mariner Drive and is surrounded by water on the north and west sides of the lot.

Variance Evaluation Criteria: The Village's Zoning Ordinance (the "Code) provides for the granting of variances subject to a finding that the petition meets the following criteria:

Criteria 1 Maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect and maintain the general welfare of the public, particularly as it affects the stability and appearance of the community.

Analysis The subject Property is a vacant single-family lot also known as Lot 1, Block 6 within the Cape Florida Section 2 Subdivision.

Current zoning regulations under Section 30-100(e) require that all new construction homes provide the sum of the side setbacks to equal 30% of the average lot width with a minimum side yard of 7.5 feet. Furthermore, Section 30-11 defines the Average Lot Width as the average of the width of the lot at the front and rear property lines.

The frontage includes a particular sliver of unusable land, shaped like an arc that is approximately 5'-4" by 7'-6". The 7'-6" corresponds to the street frontage which

creates an unusual irregularity in the lot configuration. Measuring the frontage as proposed by this variance request produces the true average of the configuration of lands for Lot 1, Block 6.

In conclusion, the variance request maintains the basic intent and purpose of the Zoning and Land Development Regulations.

Finding Consistent

Criteria 2 Is compatible with the surrounding land uses and would not be detrimental to the community.

Analysis The property is within the Low Density Single Family Residential land use category, which is intended to allow for the use of single family, detached homes on with at least 15,000 square feet of net area.

The proposed home intends to develop a home that meets all current Zoning and Land Development regulations and consistent with the comprehensive plan (Master Plan). As a result, the Variance request will maintain compatibility with the surrounding land uses, and it would not be detrimental to the community.

Finding Consistent

RECOMMENDATION

Based on the Findings and relevant background information, I recommend the approval of the request subject to recording in the Miami-Dade Public Records.

BACKGROUND

The Variance process is in place to allow action outside regulations to overcome certain limitations placed by the zoning code. There are three types of Variances that may be granted under these Regulations.

1. **Supervisory Variance** is for approval of work already completed and may be approved by the BZP director for minor variations (typically 10%) of a limited set of standards.

2. **Administrative Variance** is for approval of work already completed and must receive the approval of the Director before being ruled upon by Village Council for variations up to 20% for building and setback standards.

3. **Regulatory Variances** is for approval of proposed or existing work, does not require approval of the Director but must be approved by the Village Council for variations from the building and setback standards by any percentage request.

PLANNING AND ZONING HEARING APPLICATION

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning, and Planning
88 West McIntyre Street, Suite 250, Key Biscayne, FL 33149
Phone (305) 365-5512 Fax (305) 365-5556
www.keybiscayne.fl.gov

PLANNING AND ZONING APPLICATION

RECEIVED

Date Filed: 10/15/2024

File #: PZR 25-00004
(Official Use Only)

1. REQUEST FOR:

- ○ SUPERVISORY VARIANCE
- ○ ADMINISTRATIVE VARIANCE
- ◉ REGULATORY VARIANCE
- ○ APPEAL OF AN ADMINISTRATIVE
- ○ AMENDMENT TO A DECISION
- ○ SITE PLAN APPROVAL
- ○ AMENDMENT TO ZONING ORDINANCE
- ○ CONDITIONAL USE
- ○ MASTER PLAN
- ○ ZONING DISTRICT CHANGE
- ○ OTHER _____

Explain your request:
**See page 11.

2. Street Address of Property: 920 Mariner Drive Key Biscayne, FL 33149
Legal Description: Lot(s) 1 Block 6
Subdivision: Cape Florida Subdivision Section 2

3. Name of Applicant: Jorge L. Hernandez
Mailing Address of Applicant: 337 Palermo Avenue Coral Gables, FL 33134
Business Telephone: 305-774-0022 Home: _____ Fax: _____
Email: jorge@jlharchitect.com

4. Name of Property Owner if Different from Applicant: MEL Trustees LLC
Address of Property Owner if Different from Applicant: 940 Mariner Drive Key Biscayne, FL 33149
Business Telephone: 305-796-1996 Home: _____ Fax: _____
Email: natalieestrella18@gmail.com

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, _____, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, _____, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

_____
Signature of Applicant

Sworn to (or affirmed) and subscribed before me this
____ day of _____, by _____.
Name of person making statement

_____
Signature of Notary Public - State of Florida

_____
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

****

Corporation Affidavit

I, Nicolas Estrella Jr. being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Ass't. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Nicolas Estrella Jr. hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

_____
Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this
25th day of Sept., by Nicolas Estrella Jr.
Name of person making statement

_____
Signature of Notary Public - State of Florida

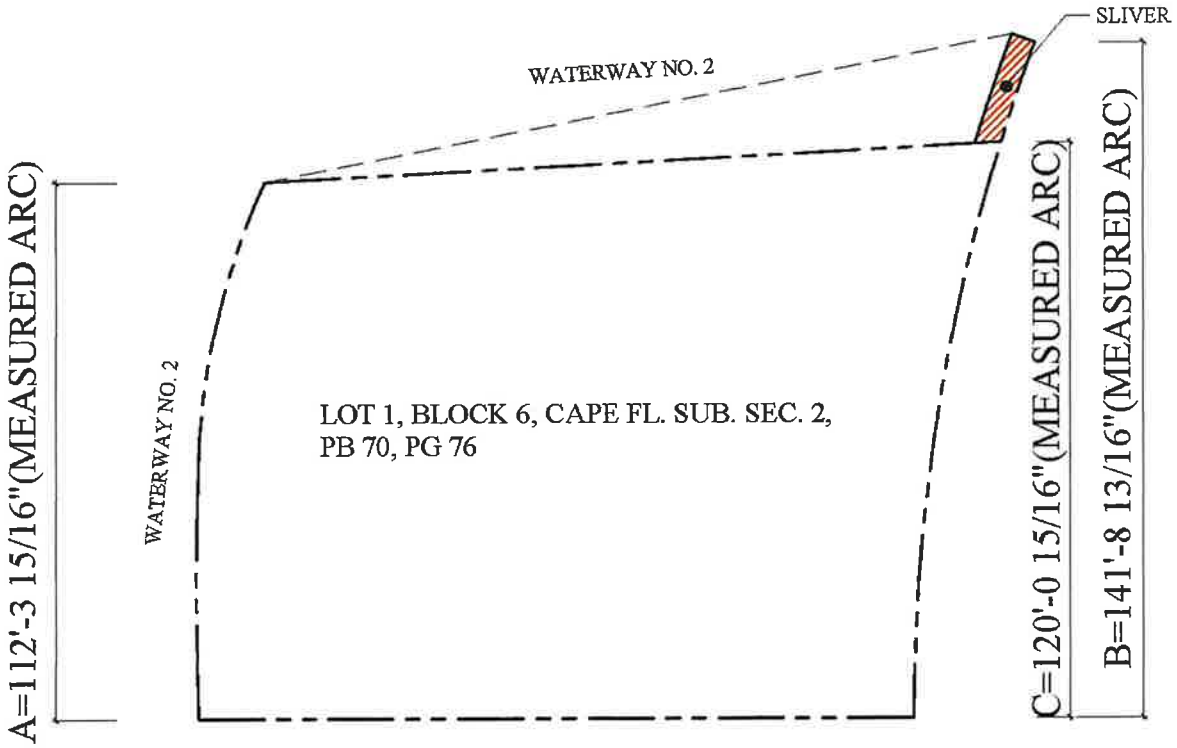
MABEL DE LA CARIDAD GONZALEZ
Notary Public - State of Florida
Commission # HH 575666
My Comm. Expires Jul 23, 2028
Bonded through National Notary Assn.

_____
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced E-236-620-75-226-0

**Explain your request.

Request a variance to measure the lot width to produce the Code intent "...sum of the side yards shall be 30% of Average Lot Width...". In order to reflect the Average Lot Width, the frontage should be measured to exclude a particular sliver of unusable land, shaped like an arc. That sliver is approximately 5'-4" x 7'-6". The 7'-6" corresponds to the street frontage which creates an unusual irregularity in the Lot configuration. Measuring the frontage as proposed by this Variance request produces the true average of the configuration of lands for Lot 1, Block 6, Cape Florida subdivision Section 2, Plat Book 70, page 67. This request maintains the basic intent and purpose of the Zoning, Subdivision, and other Land Use Regulations of the Village of Key Biscayne, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.



(A + C) / 2 = TRUE AVERAGE (VARIANCE REQUEST)
(A + B) / 2 = PUNITIVE AVERAGE



Detail by Entity Name

Florida Limited Liability Company
ERRA REGISTERED AGENTS, LLC

Filing Information

Document Number	L08000034830
FEI/EIN Number	N/A
Date Filed	04/07/2008
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT AND NAME CHANGE
Event Date Filed	09/22/2021
Event Effective Date	NONE

Principal Address

2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Changed: 04/02/2018

Mailing Address

2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Changed: 04/02/2018

Registered Agent Name & Address

ELJAIEK, SANTIAGO, III PA
2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Name Changed: 09/22/2021

Address Changed: 04/02/2018

Authorized Person(s) Detail

Name & Address

Title MGR

RUIZ, ALYSSA
2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Title Manager

Rodriguez, Carlos
2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Title Manager

Eljaiek III, Santiago
2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Title Manager

Alvarez, Alejandro
2601 S. Bayshore Drive
18th Floor
Coconut Grove, FL 33133

Annual Reports

Report Year	Filed Date
2022	04/08/2022
2023	01/10/2023
2024	02/29/2024

Document Images

02/29/2024 -- ANNUAL REPORT	View image in PDF format
01/10/2023 -- ANNUAL REPORT	View image in PDF format
04/08/2022 -- ANNUAL REPORT	View image in PDF format
09/22/2021 -- LC Amendment and Name Change	View image in PDF format
04/16/2021 -- ANNUAL REPORT	View image in PDF format
04/28/2020 -- ANNUAL REPORT	View image in PDF format
04/08/2019 -- ANNUAL REPORT	View image in PDF format
04/02/2018 -- ANNUAL REPORT	View image in PDF format
04/18/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
04/28/2015 -- ANNUAL REPORT	View image in PDF format
03/17/2014 -- ANNUAL REPORT	View image in PDF format
04/09/2013 -- ANNUAL REPORT	View image in PDF format
03/28/2012 -- ANNUAL REPORT	View image in PDF format

04/27/2011 -- ANNUAL REPORT	View image in PDF format
10/06/2010 -- REINSTATEMENT	View image in PDF format
03/10/2009 -- ANNUAL REPORT	View image in PDF format
03/10/2009 -- LC Name Change	View image in PDF format
04/07/2008 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations



Detail by Entity Name

Florida Limited Liability Company
MEL TRUSTEES, LLC

Filing Information

Document Number	L14000069128
FEI/EIN Number	47-2451587
Date Filed	04/28/2014
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	10/12/2018

Principal Address

2601 SOUTH BAYSHORE DRIVE, 18th Floor
C/O ERRA REGISTERED AGENTS, LLC
COCONUT GROVE, FL 33133

Changed: 04/22/2022

Mailing Address

2601 SOUTH BAYSHORE DRIVE, 18th Floor
C/O ERRA REGISTERED AGENTS, LLC
COCONUT GROVE, FL 33133

Changed: 04/22/2022

Registered Agent Name & Address

ERRA REGISTERED AGENTS, LLC
2601 SOUTH BAYSHORE DRIVE, 18th Floor
COCONUT GROVE, FL 33133

Name Changed: 04/22/2022

Address Changed: 10/12/2018

Authorized Person(s) Detail

Name & Address

Title MGR

ELJAIEK, SANTIAGO, III
2601 SOUTH BAYSHORE DRIVE, 18th Floor
COCONUT GROVE, FL 33133

Title MGR

MARIN, CARLOS A
2601 SOUTH BAYSHORE DRIVE, 18th Floor
COCONUT GROVE, FL 33133

Annual Reports

Report Year	Filed Date
2022	04/22/2022
2023	01/20/2023
2024	04/17/2024

Document Images

04/17/2024 -- ANNUAL REPORT	View image in PDF format
01/20/2023 -- ANNUAL REPORT	View image in PDF format
04/22/2022 -- ANNUAL REPORT	View image in PDF format
04/16/2021 -- ANNUAL REPORT	View image in PDF format
06/11/2020 -- ANNUAL REPORT	View image in PDF format
04/15/2019 -- ANNUAL REPORT	View image in PDF format
10/12/2018 -- REINSTATEMENT	View image in PDF format
03/28/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
04/28/2015 -- ANNUAL REPORT	View image in PDF format
04/28/2014 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

LAND TRUST AGREEMENT

THIS LAND TRUST AGREEMENT, dated this 29th day of July, 2019, and known as the **LAND TRUST No. 1045-015** entered into by and between **NICOLAS ESTRELLA, JR. and JOSE E. ESTRELLA**, parties of the first part, hereinafter collectively called the "Beneficiary", and **MEL TRUSTEES, LLC, a Florida limited liability company,** duly authorized to act as Trustee, party of the second part, hereinafter called "Trustee", which designation shall include all successor trustees;

WHEREAS, Vitor Veinman (a/k/a Vitor F. Winman) is about to convey to the Trustee, as Trustee hereunder, title to the following described property in Miami-Dade County, Florida, to wit **(the "Property")**:

Lot 1, Block 6 of CAPE FLORIDA SUBDIVISION SECTION 2, according to the Plat thereof as recorded in Plat Book 70, Page 67, of the Public Records of Miami-Dade County, Florida;

a/k/a 920 mariner Drive, Key Biscayne, Florida 33149; and

WHEREAS, when the Trustee has taken title to said Property, or to any other property conveyed to it as Trustee hereunder, it will hold the same, in trust, for the following uses and purposes and subject to the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of the mutual premises herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby expressly and conclusively acknowledged, the parties hereto agree as follows:

1. Name and Interests of Beneficiaries:

(a) The following are the beneficiaries of this Trust and as such shall be entitled to all of the earnings, avails and proceeds of the trust property according to the interest set forth opposite his/her name, to wit:

NAME OF BENEFICIARY	INTEREST IN TRUST
NICOLAS ESTRELLA, JR.	50.00%
JOSE E. ESTRELLA	50.00%

(b) The interest of the Beneficiary shall consist solely of the following rights respecting the trust property:

(1) The power to direct the Trustee to deal with title to the Property, which power shall include, but is not limited to, directions to the Trustee to execute deeds, leases, mortgages, promissory notes and all other instruments relating to the Property; provided, however, as set forth in Paragraphs 12 and 22 of this Trust Agreement, the Trustee shall have no individual liability whatsoever nor shall the Trustee be required to furnish any warranties that would result in any individual liability in regard to the execution of any such instruments.

(2) The power to manage, possess, use and control the Property.

(3) The right to receive the earnings, avails and proceeds from leases and other uses and from mortgages, sales and other dispositions of the Property.

(4) The enjoyment of all rights and privileges regarding the Property as if the Beneficiary was the legal and equitable owner of the Property.

Such rights and powers, as well as the interest of the Beneficiary under this Trust Agreement, shall be personal property. The Beneficiary shall not have any right, title or interest in or to any portion of the legal or equitable title to the Property. If the Beneficiary is a human being, the death of the Beneficiary (or any of the persons contained in the term Beneficiary if more than one person signs this Trust Agreement as the Beneficiary) shall not terminate this Trust Agreement or the trust created hereby or affect the rights or powers of the Trustee or of the Beneficiary, except as provided by law and the interest of the Beneficiary of this Trust Agreement, pass to his/her personal representative and not to his/her devisees or heirs at law.

2. Property. Title to the Property shall be conveyed to the Trustee in accordance with and the rights of the parties shall be governed, to the extent applicable, by the provisions of Section 689.071, Florida Statutes. The Trustee agrees to accept the deed to the Property and to cause said deed to be recorded in the Public Records of the county wherein each property is located, and to hold title to the Property for the uses and purposes herein stated. The Beneficiary shall advance to the Trustee all monies required by the Trustee to record said deed including, but not limited to, all appropriate documentary stamp taxes. The Beneficiary may not dedicate or cause any other property to be conveyed to the Trustee under this Trust Agreement unless the Trustee consents thereto in writing. Should other property subsequently be conveyed to and held by the Trustee pursuant to this Trust Agreement, the term "Property" as used herein shall mean and refer to all property, the title to which is held by the Trustee

pursuant to this Trust Agreement. This Trust Agreement is identified **as Land Trust No. 1045-015, dated the 29th day of July, 2019**.

3. Obligation of Trustee with Respect to Property. The Trustee shall have no obligation to file any income, profit or other tax reports or returns or pay such or any other taxes relating to the Property, provided, however, that the Trustee shall have the right but not the obligation to file any tax return or pay taxes relating to the Property which it, in its absolute discretion, deems should be filed by it, and in such event the Beneficiary will cooperate with the Trustee in providing such information as is necessary to the proper and correct preparation of such return and the Beneficiary shall promptly pay to the Trustee the amount of said taxes as set forth in Paragraph 12 hereof. The Beneficiary shall make all returns and reports and pay all real estate and all other taxes or charges payable with respect to the Property and to the earnings, avails and proceeds of the Property or based on his interest under this Trust Agreement.

4. Objects and Purposes of Trust. The objects and purposes of this Trust shall be to hold title to the Property until its sale or other disposition or liquidation or until the expiration of this Trust Agreement as provided in Paragraph 20 hereof. The Trustee shall not manage or operate the Property nor undertake any other activity not strictly necessary to the attainment of the foregoing objects and purposes; nor shall the Trustee transact business of any kind with respect to the Property within the meaning of Chapter 609 of the Florida Statutes, or any other law; nor shall this Agreement be deemed to be, or create or evidence the existence of a corporation, de facto or de jure, or any other type of business trust, or an association in the nature of a corporation, or a co-partnership or joint venture by or between the Trustee and the Beneficiary, or by or between the Beneficiaries, if there be more than one.

5. Beneficiary Manages and Operates Trust Property. The Beneficiary shall have the sole possession, management and control of the selling, renting, repairing, maintaining and handling of the Property and the Trustee shall have no right or duty in respect to such matters. The Beneficiary shall and does hereby indemnify and hold the Trustee harmless from and against all expenses, including attorney's fees, obligations and liabilities which the Trustee may incur or become liable for by virtue of the Beneficiary performing the matters set forth herein or by virtue of the fact that the trustee holds legal title to the Property. The Beneficiary shall have the right to execute leases and collect rents in its own name or through its agents. The Beneficiary is not the agent of the Trustee for any purpose whatsoever and does not have any authority whatsoever to contract or to execute leases or to do any other act or in the name of the Trustee or to obligate the Trustee personally or as Trustee.

6. Protection of Third Parties Dealing with Trustee. No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without

limiting the foregoing) no party to whom the Property or any part of it or any interest in it shall be conveyed, contracted or sold, leased or mortgaged by the Trustee, shall be obliged (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property, (b) to see that the terms of this Trust Agreement have been complied with, (c) to inquire into the authority, necessity or expediency of any act of the Trustee or (d) be privileged to inquire into any of the terms of this Trust Agreement. Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person claiming any right, title or interest under the Trust (a) that at the time of its delivery the Trust created under this Agreement was in full force and effect; (b) that instrument was executed in accordance with the terms and conditions of this Agreement and all its amendments, if any, and is binding upon all Beneficiaries under it; (c) that the Trustee was duly authorized and empowered to execute and deliver each such instrument; (d) if a conveyance has been made to a successor or successors in trust, that the successor or successors have been appointed properly and are vested fully with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

7. Trust Agreement Not to be Recorded. This Agreement shall not be placed on record in the county in which the trust property is situated, or elsewhere, but if it is so recorded, that recording shall not be considered as notice of the rights of any person under this Agreement derogatory to the title or powers of the Trustee.

8. Beneficiary Cannot Bind Trustee or Other Beneficiary. No Beneficiary shall have the authority to contract for or in the name of the Trustee or any other Beneficiary or to bind the Trustee or any other Beneficiary personally.

9. Forbidding Use of Name of Trustee for Publicity. The name of the Trustee shall not be used by the Beneficiary in connection with any advertising or other publicity whatsoever without the written consent of the Trustee.

10. Insurance. The Beneficiary shall during the term of this Trust Agreement maintain and purchase at its expense insurance either in the name of the Trustee or showing the Trustee as an additional insured thereunder with said insurance to protect the Trustee against public liability in the amount of $N/A and to protect the Trustee against such other hazards or liabilities as the Trustee may reasonably require and in such amounts as the Trustee may reasonably require. All such insurance shall be written on insurance companies reasonably acceptable to the Trustee. At the request of the Trustee, said policies of insurance shall be delivered to the Trustee or, in lieu thereof, certificates reflecting said coverage shall be delivered to the Trustee. In all events, said policies of insurance and certificates shall contain a provision that thirty (30) days notice shall be given to the Trustee by the insurance company issuing said policies prior to cancellation or termination of said policies of insurance. In the

event the Beneficiary fails to make any payment for premiums on said policies of insurance the Trustee may, but is not required to, make said payment and said payment shall be considered an advance made by the Trustee under the provisions of Paragraph 12 of this Trust Agreement.

11. Multiple Beneficiaries. In the event that the term "Beneficiary" as used in this Trust Agreement includes more than one beneficiary, then, in that event, all persons included in the term "Beneficiary" shall be jointly and severally liable for obligations of the Beneficiary under this Trust Agreement.

12. Trustee Responsibility to Make Advances or Incur or Pay Expenses. The Trustee shall have the right, but not the duty, to make any advances or incur or pay any expenses on account of this Trust Agreement or the Property. If the Trustee shall make any such advances or incur or pay any such expenses on account of this Trust Agreement of the Property, or shall incur any expenses by reason of being a party to any litigation in connection with this Trust Agreement or the Property, or if the Trustee shall be compelled to pay money on account of this Trust Agreement or the Property, whether for breach of contract, injury to person or property, taxes of any kind, fines or penalties under any law, or otherwise, in any manner under this Trust Agreement as set forth in Paragraph 22 (provided, however, the Trustee shall not be individually liable in any manner under this Trust Agreement as set forth in Paragraph 22 hereof) the Beneficiary, on demand by the Trustee, shall pay to the Trustee, with interest at the highest rate permitted by law, the amount of all such expenses, advances or payments made by the Trustee, plus all its expenses, including attorneys' fees, incurred by the Trustee in said matters, including attorneys' fees for appeals. The Trustee shall have the right, but not the duty, to employ and consult with attorneys regarding this Trust Agreement and the Property, and any and all costs and expenses incurred by the Trustee by virtue of said employment and consultation shall be deemed to be an advance or expense made or incurred by the Trustee under this Paragraph to be paid by the Beneficiary on demand. Any other monies expended by the Trustee under any other provision of this Trust Agreement shall also be deemed to be an advance made by the Trustee under this Paragraph 12. The Beneficiary further agrees to indemnify and hold the Trustee harmless of and from any and all expenses, including but not limited to, all costs and attorneys' fees, advances, payments or liabilities incurred by it for any reason whatsoever as a result of this Trust Agreement or the Trustee holding legal title to the Property under this Trust Agreement. The Trustee shall not be obliged to convey, transfer or otherwise deal with the Property or any part of it or to follow any instructions of the Beneficiary unless and until all of the payments, advances and expenses made or incurred or paid by the Trustee on account of this Trust Agreement or the Property shall have been paid, with interest at the rate set forth herein. Further, after making written demand on the Beneficiary to pay to the Trustee all payments, advances and expenses made or incurred by the Trustee on account of this Trust Agreement or the Property, the Trustee shall be entitled to and shall have a lien on the Property to secure all such payments, advances

and expenses, together with interest thereon at the rate set forth herein and all costs and expenses, including attorney's fees, which the Trustee may incur or become liable for in collecting said amounts from the Beneficiary.

13. Trustee Responsibility with Respect to Legal Proceedings. The Trustee shall be under no duty to take any action, to pay any money or to incur any expenses in regard to any legal proceeding involving this Trust Agreement or the Property unless it shall elect, in its absolute discretion, to do so and be furnished with sufficient funds or be indemnified to its satisfaction by the Beneficiary. If the Trustee is served with process or notice of legal proceedings or of any other matters concerning this Trust Agreement or the Property, the sole duty of the Trustee shall be to forward the process or notice to the Beneficiary as provided in Paragraph 29 hereof; in such case, the Beneficiary may defend said action in the name of the Trustee with counsel reasonably acceptable to the Trustee provided, however, the Trustee may at any time resign as such under this Trust Agreement or personally appear in said proceeding.

14. Resignation or Death of Trustee. The Trustee may resign at any time by giving written notice of such intention to resign to the Beneficiary. The resignation shall become effective after the Trustee shall have executed any and all documents furnished to the Trustee by the Beneficiary and satisfactory to the Trustee for execution, which documents shall be for the purpose of conveying to any successor trustee all existing rights of Trustee under this Trust Agreement and title to the Property provided, however, that in all events said resignation shall become effective no later than thirty (30) days after notice of resignation has been delivered to the Beneficiary. If the Trustee is advised in writing by the Beneficiary as to who the successor trustee is to be, the Trustee has the right, but not the duty, to prepare, execute, deliver and/or record any and all documents which are necessary in the absolute discretion of the Trustee to convey or transfer title to the Property to such successor trustee. If notice of the successor trustee is not given to the Trustee in writing within twenty (20) days after notice of resignation has been delivered to the Beneficiary or if the Beneficiary fails to furnish documents satisfactory to the Trustee for execution within twenty (20) days after notice of resignation has been delivered to the Beneficiary, the Trustee may convey title to the Property to the Beneficiary (and if more than one then in accordance with the respective interests of the Beneficiary as set forth in Paragraph 11 of this Trust Agreement), and the deed of conveyance may be recorded by the Trustee. Notwithstanding the resignation by the Trustee as provided herein, the Beneficiary shall upon such resignation immediately pay to the Trustee all payments, advances or expenses made or incurred by the Trustee in regard to this Trust Agreement or the Property and the Trustee shall continue to have a lien on the Property to secure the payment of such sums as set forth in Paragraph 12, which lien the Trustee may evidence by causing to be recorded in the Public Records of the county(ies) in which the Property is situated, a notice of lien specifying the amount of monies owed to it by the Beneficiary. The Trustee may thereafter enforce its lien against the

Property by appropriate judicial proceeding and, in said proceeding, the Trustee shall be entitled to recover from the Beneficiary, and the same shall be a lien on the Property, all its costs and expenses, including attorneys' fees, in such proceeding. In the event that the Trustee is an individual and not a corporation, then, upon the death of the Trustee, the successor trustee shall be the following individuals, any of which may act and serve as successor trustee jointly or severally (independently):

Santiago Eljaiek III, Esq.,

Anthony M. Lopez, Esq., and

Carlos A. Marin, Esq.

The recording in the public records of the county(ies) in which the Property is situated, of a death certificate for any trustee under this Trust Agreement shall be deemed to be a conveyance of title to the Property to the successor trustee.

15. Amendment of Trust Agreement. This Agreement contains the entire understanding between the parties and may be amended, revoked or terminated only by a written agreement signed by the Trustee and the Beneficiary.

16. Florida Law Governs. This Agreement shall be construed in accordance with the Laws of the State of Florida.

17. Notices. Any notice required to be given by the terms of this Agreement or by any applicable law by either party shall be in writing and shall be either hand delivered or sent by certified or registered mail, return receipt requested. Each written notice shall be addressed as follows:

If to Trustee:

MEL TRUSTEES, LLC
2601 South Bayshore Drive, 18th Floor
Coconut Grove, FL 33133

If to Beneficiary:

NICOLAS ESTRELLA, JR.

_____

_____

JOSE E. ESTRELLA
3750 WEST FLAGLER ST
MIAMI, FL 33134

Either party may, by subsequent written notice, designate a different address for receiving notice.

18. Certified Copies Satisfactory Evidence. Copies of this Agreement or any amendment to it, certified by the Trustee to be true and correct, shall be satisfactory evidence of such Agreement for all purposes.

19. Successors Bound by this Agreement. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon any successor trustee under it, as well as upon the personal representatives, administrators, heirs, assigns and all other successors in interest of the Beneficiaries. Every successor trustee shall become fully vested with all the title, estate, rights, powers, trusts and shall be subject to the duties and obligations of its predecessor under this Trust Agreement. The term Trustee shall thereafter mean and refer to said successor trustee.

20. Term. The term of this Trust Agreement shall be for a period of twenty-one (21) years from the date of this Trust Agreement, unless sooner terminated as otherwise provided in this Trust Agreement. Upon expiration of this Trust Agreement the Trustee shall convey the Property to the Beneficiary.

21. Trustee Acts Only on Written Authorization. It is agreed by the parties hereto that the Trustee will deal with the Property including cash or other assets of any kind which may become subject to this Trust Agreement only when authorized and directed to do so in writing by the Beneficiary. On the written direction of the Beneficiary, the Trustee shall execute deeds for, or mortgages or trust deeds (which may include a waiver of the right of redemption from sale under an order or decree of foreclosure) or execute leases all in regard to the Property or otherwise deal with the title to the Property including cash or other assets subject to this Trust Agreement, provided, however, that in regard to all documents to be executed by the Trustee, said documents shall be prepared by the Beneficiary and furnished to the Trustee with written direction by the Beneficiary to execute and redeliver to the Beneficiary or to any third person or persons. The Trustee shall not under any circumstances be obligated to execute any instrument which may, in the opinion of the Trustee, result in personal liability to the Trustee and rather than executing any instruments under this Paragraph, the Trustee may resign as Trustee under this Trust Agreement as provided in Paragraph 14 and, in the event the Trustee so resigns, the Trustee shall be under no duty to execute any instruments other than instruments provided in Paragraph 14 regarding conveyance of title to the Property. The Trustee shall not be required to inquire into the propriety of any written direction by the Beneficiary or the authority of the person signing said direction. To the extent the Trustee follows any written direction received from the Beneficiary including, but not limited to, the execution by the Trustee in accordance with written direction of the

Beneficiary of any deed or other instrument relating to the Property and delivery of said deed or other instrument in accordance with said written instructions, the Trustee shall have no duty, liability or obligation whatsoever and the Beneficiary shall indemnify and hold the Trustee harmless from and against all claims, demands, costs and expenses, including attorneys' fees, losses, liabilities and obligations which the Trustee may pay, incur or sustain by virtue of the Trustee following said written instructions.

22. Trustee Not Individually Liable. The Trustee shall have no individual liability or obligation whatsoever arising from its ownership of or holding legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the Property or in otherwise acting under this Trust Agreement upon the direction of the Beneficiary except only so far as the Property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge of such liability or obligation. By way of illustration and not by way of limitation, the Trustee shall be under no duty whatsoever to execute or enter into any instrument or agreement which does not contain language acceptable to the Trustee providing that the Trustee shall have no personal liability whatsoever and that the liability of the Trustee shall be limited solely to any property that the Trustee holds under this Trust Agreement.

23. Disclosure of Interests. The Trustee shall not, without the prior written consent of the Beneficiary, disclose to any person this Trust Agreement or the Beneficiary for whom the Trustee holds title to the Property hereunder, unless compelled to do so by legal process. The Trustee shall not however be responsible under this Paragraph for any inadvertent disclosures made by it.

24. Trustee Not Required to Give Warranty. The Trustee shall not be required to execute any instrument containing covenants of warranty.

25. No Third-Party Beneficiary. This Trust Agreement is solely for the benefit of the parties hereto and no person or persons not a part to this Trust Agreement shall have any rights or privileges under this Trust Agreement either as a third-party beneficiary or otherwise.

26. Revocation and Amendment. The Beneficiary may, at any time, by written instrument delivered to the Trustee revoke, or with the consent of the Trustee, amend this Trust Agreement. In the case of revocation, the Trustee shall convey title to the Property in accordance with the procedures set forth in Paragraph 14 of this Trust Agreement and, in the case of amendment, the Beneficiary shall furnish to the Trustee the written form of said amendment as executed by the Beneficiary. Upon the execution of said amendment by the Trustee, said amendment shall be considered to be an amendment to this Trust Agreement.

27. Residency of Beneficiary. The Beneficiary represents that it is authorized to transact business in the State of Florida, United States

28. Assignment of Beneficial Interest. The Beneficiary may not assign any or all of its interest as Beneficiary under this Trust Agreement unless and until both of the following two (2) conditions have been met:

(a) The original or executed duplicate of an assignment subscribed in the presence of two witnesses is delivered to the Trustee and the Trustee has accepted in writing said assignment provided, however, that the Trustee shall be under no duty or obligation whatsoever to so accept any assignment, and the Trustee may in its absolute discretion determine whether or not to accept said assignment and may in its discretion reject said assignment; and

(b) The assignee of any beneficial interest agrees in writing to be bound by all the duties and obligations of the Beneficiary under this Trust Agreement including, but not limited to, the duty and obligation to pay to the Trustee all advances and expenses set forth in Paragraph 12.

Upon the acceptance by the Trustee of an assignment as set forth in subparagraphs (a) and (b) hereof, the Beneficiary so assigning his interest under this Trust Agreement shall have no further liability or obligation under this Trust Agreement but only for any acts of the Trustee taken or performed after the acceptance by the Trustee of said assignment provided said assignment conveys the entire interest of said assigning Beneficiary under this Trust Agreement.

The Beneficiary shall continue to be liable for matters occurring prior to the acceptance by the Trustee of said Assignment. Every assignment of any beneficial interest, the original or duplicates of which shall not have been delivered to and accepted by the Trustee in writing, shall be wholly ineffective as to the Trustee and all subsequent assignees or purchasers without notice. Although the death of the Beneficiary (or any one of the persons contained in the term Beneficiary if more than one person signs this Trust Agreement as the Beneficiary) shall not be deemed an assignment of the interest of the Beneficiary under this Paragraph (as set forth in Paragraph 1 hereof), any assignment of said interest by the personal representative of the Beneficiary shall be deemed to be an assignment under this Paragraph subject to required acceptance by the Trustee.

29. Inquiries. Written inquiries, legal and other notices, tax statements and all other documents and writings received by the Trustee and relating to this Trust Agreement or the Property shall be sent and forwarded within a reasonable time after receipt by the Trustee to the Beneficiary.

30. Miscellaneous. The captions for the paragraphs contained herein are solely for the convenience of the parties and do not, in themselves, have any

legal significance. Time is of the essence of this Trust Agreement. In this Trust Agreement, the plural includes the singular and, vise versa, and masculine, feminine and neuter pronouns and the words "Trustee" and "Beneficiary" shall each include all genders. This Trust Agreement constitutes the complete agreement between the parties hereto and there are no representations, agreement or understandings other than as set forth herein.

[Signatures to follow on next page]

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed this Agreement the day and year first written above.

Trustee:
Signed, sealed and delivered
in the presence of:

MEL TRUSTEES, LLC
a Florida limited liability company

Print Name: Pilar Aviles

Santiago Eljaiek III, Manager

Print Name: Eric J. Strauss

Beneficiary:

DocuSigned by:

Print Name:

NICOLAS ESTRELLA, JR.

Print Name:

Print Name:

JOSE E. ESTRELLA

Print Name:

[Notary Acknowledgments/Jurats to follow on next page]

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed this Agreement the day and year first written above.

Trustee:
Signed, sealed and delivered
in the presence of:

MEL TRUSTEES, LLC
a Florida limited liability company

_____
Print Name:_____

_____
Santiago Eljaiek III, Manager

_____
Print Name:_____

Beneficiary:

_____
Print Name:_____

_____
NICOLAS ESTRELLA, JR.

_____
Print Name:_____

_____
Print Name:_____

JOSE E. ESTRELLA

_____
Print Name:_____

[Notary Acknowledgments/Jurats to follow on next page]

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed this Agreement the day and year first written above.

Trustee:
Signed, sealed and delivered
in the presence of:

MEL TRUSTEES, LLC
a Florida limited liability company

Print Name:_____

Santiago Eljaiek III, Manager

Print Name:_____

Beneficiary:

Print Name:_____

NICOLAS ESTRELLA, JR.

Print Name:_____

Print Name: Teresita de los Santos

JOSE E. ESTRELLA

Barbara J. Reed

Print Name: Barbara J. Reed

[Notary Acknowledgments/Jurats to follow on next page]

STATE OF FLORIDA)
)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 30th day of July, 2019, by Santiago Eljaiek III, as Manager of MEL TRUSTEES, LLC, a Florida limited liability company, on behalf of said Company, who personally appeared before me at the time of notarization, and who is personally known to me or who has produced _____ as identification and who did take an oath.

PILAR M. AVILES
MY COMMISSION # GG055741
EXPIRES December 18, 2020

My Commission Expires:

Notary Public

[Notary Acknowledgments/Jurats continued on next page]

STATE OF FLORIDA)
)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 30 day of July, 2019, by NICOLAS ESTRELLA, JR., who personally appeared before me at the time of notarization, and who is personally known to me or who has produced _____ as identification and who did take an oath.

Notary Public

My Commission Expires:

Jocelyne Fernandez
Comm. # GG364951
Expires: August 12, 2023
Bonded Thru Aaron Notary

STATE OF FLORIDA)
)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ___ day of July, 2019, by JOSE E. ESTRELLA, who personally appeared before me at the time of notarization, and who is personally known to me or who has produced _____ as identification and who did take an oath.

_____

Notary Public

My Commission Expires:

STATE OF FLORIDA)
)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ___ day of July, 2019, by NICOLAS ESTRELLA, JR., who personally appeared before me at the time of notarization, and who is personally known to me or who has produced _____ as identification and who did take an oath.

_____

My Commission Expires: Notary Public

STATE OF FLORIDA)
)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 30th day of July, 2019, by JOSE E. ESTRELLA, who personally appeared before me at the time of notarization, and who is personally known to me or who has produced _____ as identification and who did take an oath.

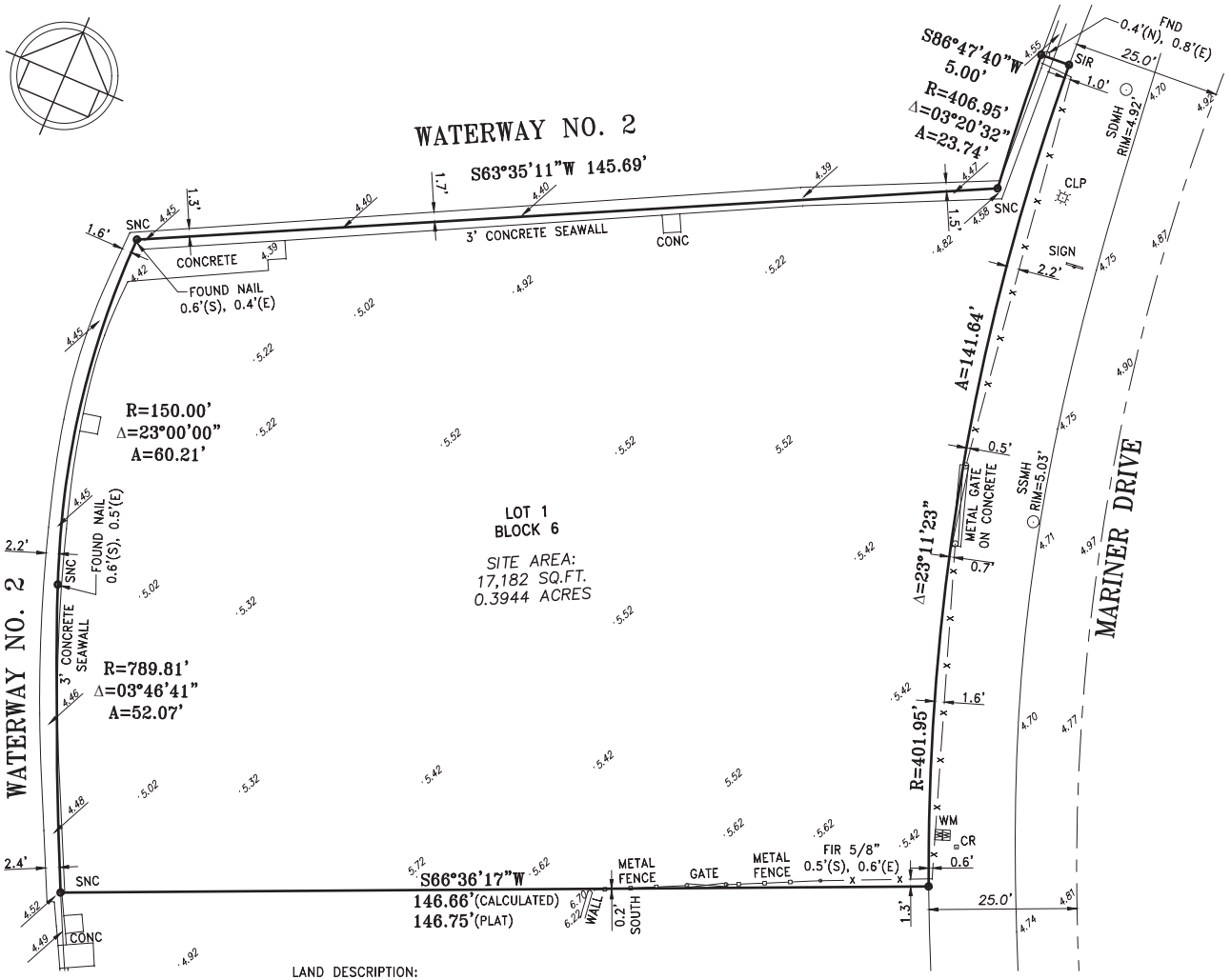
Barbara J. Peoli

My Commission Expires: Notary Public

BARBARA J. PEOLI
Notary Public – State of Florida
Commission # GG 110766
My Comm. Expires Jul 9, 2021
Bonded through National Notary Assn.

SURVEY

SKETCH OF SURVEY



LEGEND:

CKD	CHECKED BY	-X-	CHAIN LINK FENCE
CONC	CONCRETE	-E-	OVERHEAD UTILITY LINES
DWN	DRAWN BY	WM	WATER METER
FB/PG	FIELD BOOK AND PAGE	WV	WATER VALVE
SIR	SET 5/8"IRON ROD & CAP #6448	CO	CLEAN OUT
SNC	SET NAIL & CAP #6448	BFP	BACK FLOW PREVENTER
FIR	FOUND IRON ROD	EB	ELECTRIC BOX
FIP	FOUND IRON PIPE	WPP	WOOD POWER POLE
FNC	FOUND NAIL & CAP	CLP	CONCRETE LIGHT POLE
FND	FOUND NAIL & DISK	SDMH	STORM DRAIN MANHOLE
PRM	PERMANENT REFERENCE MARKER	SSMH	SANITARY SEWER MANHOLE
P.B.	PLAT BOOK	0.00	ELEVATIONS
M/D.C.R.	MIAMI/DADE COUNTY RECORDS	R	RADIUS
		Δ	DELTA ANGLE
		A	ARC DISTANCE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
7. BENCHMARK DESCRIPTION: MIAMI/DADE COUNTY BENCHMARK 'DC-110A' ELEVATION = 5.54' (NGVD29)
8. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 1, BLOCK 6, "CAPE FLORIDA SUBDIVISION SECTION 2", P.B. 70, PG. 67, M/D.C.R. SAID LINE BEARS S66°36'17"W.

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN APRIL, 2024. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARD OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

RICHARD E. COUSINS 4188 STATE OF FLORIDA

Digitally signed by Richard E Cousins
Date: 2024.10.14 07:59:46 -04'00'

FOR THE FIRM, BY: _____

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE: 04/25/24

LAND DESCRIPTION:

LOT 1, BLOCK 6 OF "CAPE FLORIDA SUBDIVISION SECTION 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 67, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766
EMAIL: OFFICE@CSASURVEY.NET

PROJECT NUMBER: 10206-24

CLIENT :
JORGE L. HERNANDEZ
ARCHITECT

REVISIONS	DATE	FB/PG	DWN	CKD
BOUNDARY & IMPROVEMENTS SURVEY	04/25/24	SKETCH	JD	REC
REVISED BENCHMARK INFORMATION/ELEV	06/19/20	-----	AM	REC

FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120648
PANEL NUMBER	0491L
ZONE	AE
BASE FLOOD ELEVATION	10
EFFECTIVE DATE	09/11/09

PROPERTY ADDRESS :
920 MARINER DRIVE

SCALE: 1"= 20'

SHEET 1 OF 1

ARCHITECTURAL DRAWINGS

ESTRELLA RESIDENCE

VARIANCE REQUEST SUBMITTAL

09.24.24

920 MARINER DRIVE

KEY BISCAYNE, FL 33149



Digitally signed by Jorge L Hernandez
Date: 2024.10.07 10:52:14 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR9843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.003.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

PROJECT:
ESTRELLA
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9843
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:
1
2
3

DRAWING:
COVER SHEET
DATE:
09.24.24
SHEET:

These designs and drawings are the copyrighted property of Jorge L. Hernandez Architect, P.A. and may not be reproduced except with specific written consent of the architect. The contractor must check and verify all dimensions of the job and be responsible for same, reporting any discrepancies to the architect before commencing work. Drawing not to be scaled.

ZONING INFORMATION		
DISTRICT:	VILLAGE ESTATE (VE)	
FLOOD ZONE:	AE (10.0')	
LOT AREA:	±17,182 SQ. FT.	
	REQUIRED	PROPOSED
SETBACKS: FRONT: INTERIOR SIDE: SIDE (WATERFRONT): REAR:	 25'-0" 7'-6" 29'-4" 25'-0"	 25'-0" 8'-3" 26'-2"* 29'-3"
MAXIMUM LOT COVERAGE (35% OF LOT AREA)	ALLOWABLE 6,014 SQ. FT.	5,533 SQ.FT.
MAXIMUM F.A.R. (47% OF LOT AREA) SEE BONUS CHART	ALLOWABLE 8,076 SQ. FT.	8,076 SQ. FT.
MAXIMUM BUILDING HEIGHT	35'-0"	35'-0"
BASE FLOOD ELEVATION (10.00' + 1.00')	11.00' NGVD	11.00' NGVD
MINIMUM PERVIOUS AREA (30% OF LOT AREA)	5,155 SQ. FT.	5,214 SQ. FT.
MAXIMUM GROSS FLOOR AREA (65% OF LOT AREA)	11,168 SQ. FT.	11,128 SQ. FT.

* SEE VARIANCE REQUEST

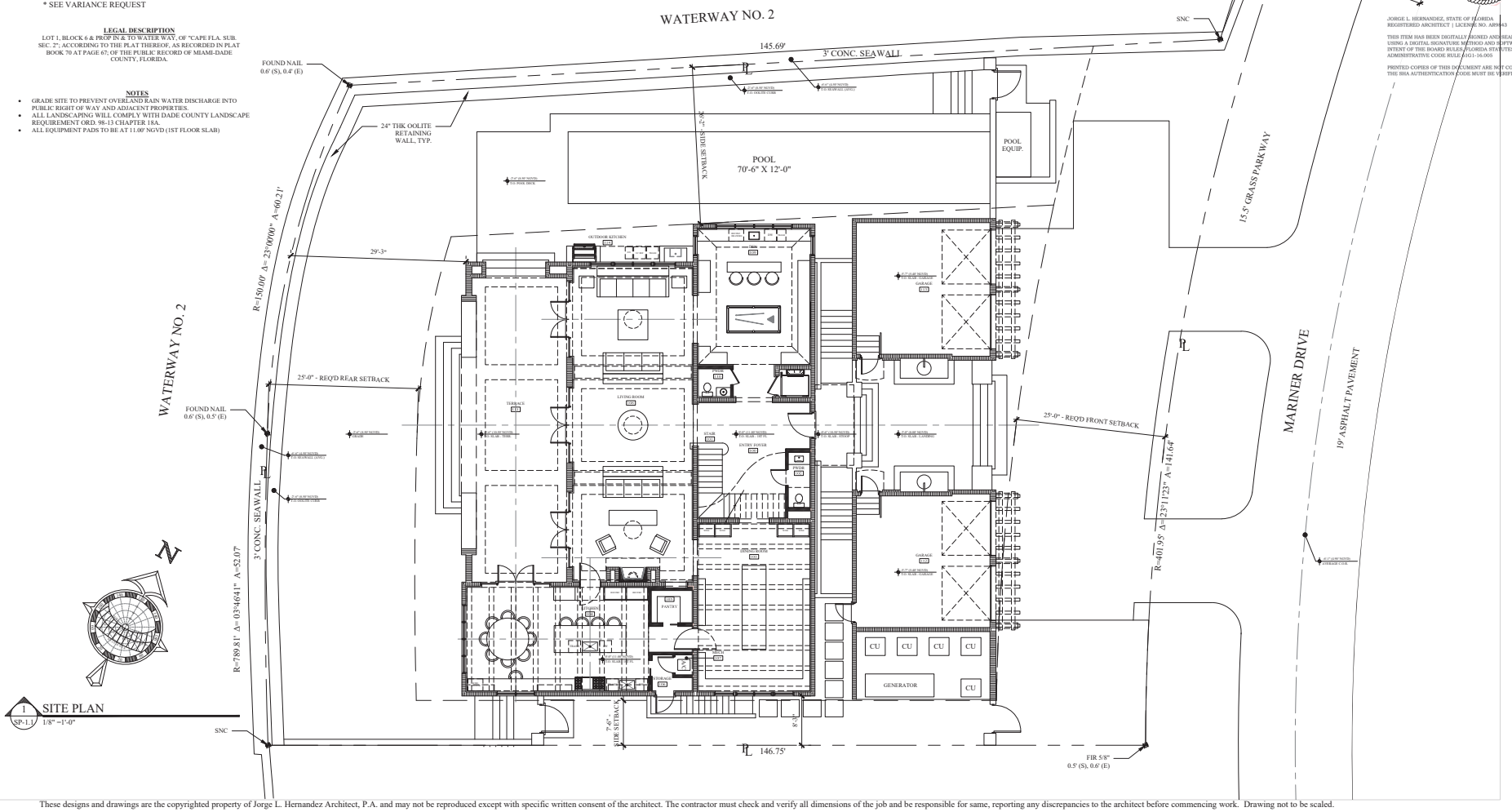
FAR CALCULATIONS & BONUSES			
ITEM NUMBER	BASE FAR: .36 BONUSES PROVIDED	AREAS AND DIMENSIONS	FAR INCREASE
2	OPEN AND UNENCLOSED BALCONIES ABOVE THE FIRST FINISHED FLOOR	(901)(.00005) = .045	.03 (MAX)
4 (a)	GARAGE OR CARPORT CONTAINING 2 OR MORE VEHICLES PARKED PARALLEL WITH AN EXTERIOR COLUMN SEPARATING EACH SPACE		.02
9	OUTSIDE MOLDINGS OR REVEALS	(380.3)(.0001) = .03803 SEE SP-1.4 FOR CALC	.02 (MAX)
11	PORTION OF THE BUILDING HAVING A LENGTH OF AT LEAST 10 FT. WITH A FRONT YARD SETBACK THAT EXCEEDS THE REQUIRED SETBACK	(730)(.0002) = .15 SEE SP-1.4 FOR CALC	.03 (MAX)
14	FLORIDA FRIENDLY LANDSCAPING	.03 FOR 80% OF PLANTING REQ'MENT	.03
16 (b)	HAS A MINIMUM 15 FOOT SIDE YARD SETBACK		.03
		SUBTOTAL:	.16
TOTAL ALLOWABLE FAR PLUS BONUS = .36 + .11 = .47 PROVIDED = .36 + .16 = .52 (.52>.47)			

LEGAL DESCRIPTION

LOT 1, BLOCK 6 & PROP IN & TO WATER WAY, OF "CAPE FLA. SUB. SEC. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70 AT PAGE 67, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA.

NOTES

- GRADE SITE TO PREVENT OVERLAND RAIN WATER DISCHARGE INTO PUBLIC RIGHT OF WAY AND ADJACENT PROPERTIES.
- ALL LANDSCAPING WILL COMPLY WITH DADE COUNTY LANDSCAPE REQUIREMENT ORD. 98-13 CHAPTER 18A.
- ALL EQUIPMENT PADS TO BE AT 11.00' NGVD (1ST FLOOR SLAB)



1 SP-1.1 SITE PLAN 1/8" =1'-0"

PROJECT:
ESTRELLA RESIDENCE
ON
MARINER DRIVE
KEY BISCAYNE, FL
NO.

STATE OF FLORIDA — JORGE L. HERNANDEZ — AR9843 — REGISTERED ARCHITECT

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 10:54:50 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA REGISTERED ARCHITECT | LICENSE NO. AR9843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.005

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

JORGE L. HERNANDEZ
Architect
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022
FLORIDA REGISTRATION #9843

REVISIONS:

DRAWING: SITE
BY: JLH
DATE: 09/24/24
SHEET: SP-1.1

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ZONING INFORMATION		
DISTRICT:	VILLAGE ESTATE (VE)	
FLOOD ZONE:	AE (10.0')	
LOT AREA:	±17,182 SQ. FT.	
	REQUIRED	PROPOSED
SETBACKS: FRONT: INTERIOR SIDE: SIDE (WATERFRONT): REAR:	 25'-0" 7'-6" 29'-4" 25'-0"	 25'-0" 8'-3" 26'-2"* 29'-3"
MAXIMUM LOT COVERAGE (35% OF LOT AREA)	ALLOWABLE 6,014 SQ. FT.	5,533 SQ.FT.
MAXIMUM F.A.R. (47% OF LOT AREA) SEE BONUS CHART	ALLOWABLE 8,076 SQ. FT.	8,076 SQ. FT.
MAXIMUM BUILDING HEIGHT	35'-0"	35'-0"
BASE FLOOD ELEVATION (10.00' + 1.00')	11.00' NGVD	11.00' NGVD
MINIMUM PERVIOUS AREA (30% OF LOT AREA)	5,155 SQ. FT.	5,214 SQ. FT.
MAXIMUM GROSS FLOOR AREA (65% OF LOT AREA)	11,168 SQ. FT.	11,128 SQ. FT.

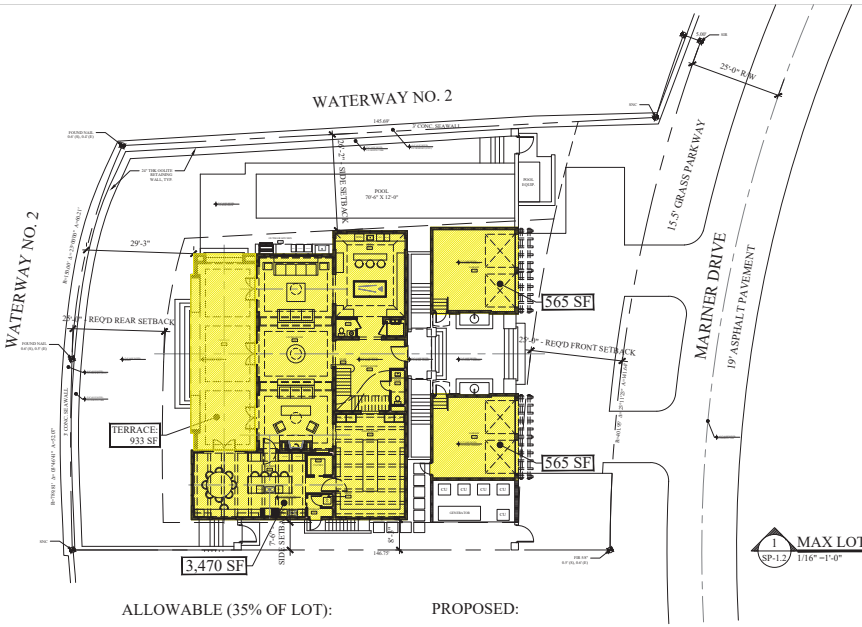
* SEE VARIANCE REQUEST

LEGAL DESCRIPTION

LOT 1, BLOCK 6 & PROP IN & TO WATER WAY, OF "CAPE FLA. SUB. SEC. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70 AT PAGE 67, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA.

NOTES

- GRADE SITE TO PREVENT OVERLAND RAIN WATER DISCHARGE INTO PUBLIC RIGHT OF WAY AND ADJACENT PROPERTIES.
- ALL LANDSCAPING WILL COMPLY WITH DADE COUNTY LANDSCAPE REQUIREMENT ORD. 98-13 CHAPTER 18A.
- ALL EQUIPMENT PADS TO BE AT 11.00' NGVD (1ST FLOOR SLAB)



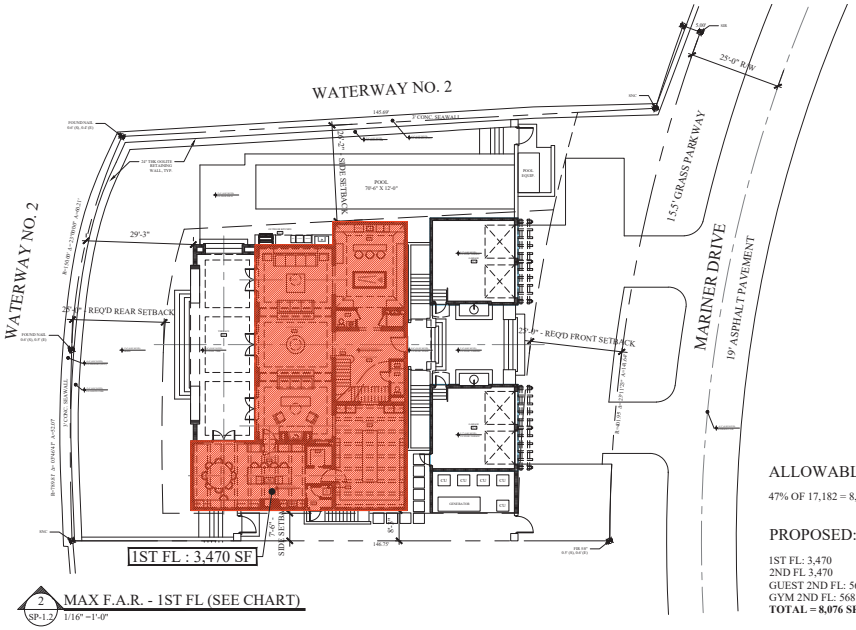
1 SP-1.2 MAX LOT COVERAGE (SEE CHART) 1/16" =1'-0"

ALLOWABLE (35% OF LOT):

35% OF 17,182 = 6,014 SF

PROPOSED:

3,470 + 933 + 565 + 565 = **5,533 SF**



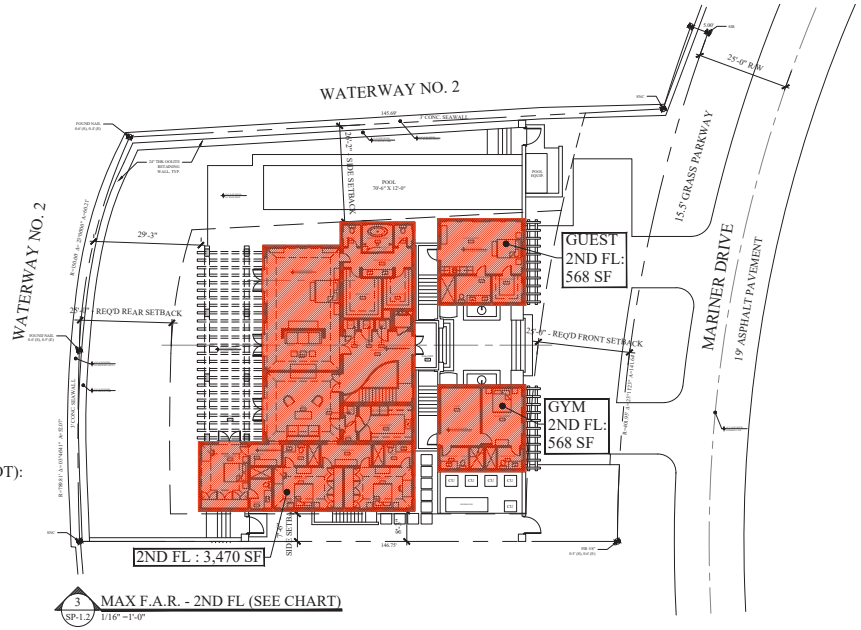
2 SP-1.2 MAX F.A.R. - 1ST FL (SEE CHART) 1/16" =1'-0"

ALLOWABLE (47% OF LOT):

47% OF 17,182 = 8,076 SF

PROPOSED:

1ST FL: 3,470
2ND FL 3,470
GUEST 2ND FL: 568
GYM 2ND FL: 568
TOTAL = 8,076 SF



3 SP-1.2 MAX F.A.R. - 2ND FL (SEE CHART) 1/16" =1'-0"

STATE OF FLORIDA JORGE L. HERNANDEZ REGISTERED ARCHITECT A99843

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 10:57:55 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA REGISTERED ARCHITECT | LICENSE NO. A99843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.005.

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PROJECT:
ESTRELLA RESIDENCE
ON
MARINER DRIVE
KEY BISCAYNE, FL
NO.

JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9468
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING: ZONING
JLH JOB #: 2405
DATE: 09/24/24
SHEET: SP-1.2

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ZONING INFORMATION		
DISTRICT:	VILLAGE ESTATE (VE)	
FLOOD ZONE:	AE (10.0')	
LOT AREA:	±17,182 SQ. FT.	
	REQUIRED	PROPOSED
SETBACKS: FRONT: INTERIOR SIDE: SIDE (WATERFRONT): REAR:	 25'-0" 7'-6" 29'-4" 25'-0"	 25'-0" 8'-3" 26'-2"* 29'-3"
MAXIMUM LOT COVERAGE (35% OF LOT AREA)	ALLOWABLE 6,014 SQ. FT.	5,533 SQ.FT.
MAXIMUM F.A.R. (47% OF LOT AREA) SEE BONUS CHART	ALLOWABLE 8,076 SQ. FT.	8,076 SQ. FT.
MAXIMUM BUILDING HEIGHT	35'-0"	35'-0"
BASE FLOOD ELEVATION (10.00' + 1.00')	11.00' NGVD	11.00' NGVD
MINIMUM PERVIOUS AREA (30% OF LOT AREA)	5,155 SQ. FT.	5,214 SQ. FT.
MAXIMUM GROSS FLOOR AREA (65% OF LOT AREA)	11,168 SQ. FT.	11,128 SQ. FT.

* SEE VARIANCE REQUEST

LEGAL DESCRIPTION

LOT 1, BLOCK 6 & PROP IN & TO WATER WAY, OF "CAPE FLA. SUB. SEC. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70 AT PAGE 67, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA.

NOTES

- GRADE SITE TO PREVENT OVERLAND RAIN WATER DISCHARGE INTO PUBLIC RIGHT OF WAY AND ADJACENT PROPERTIES.
- ALL LANDSCAPING WILL COMPLY WITH DADE COUNTY LANDSCAPE REQUIREMENT ORD. 98-13 CHAPTER 18A.
- ALL EQUIPMENT PADS TO BE AT 11.00' NGVD (1ST FLOOR SLAB)



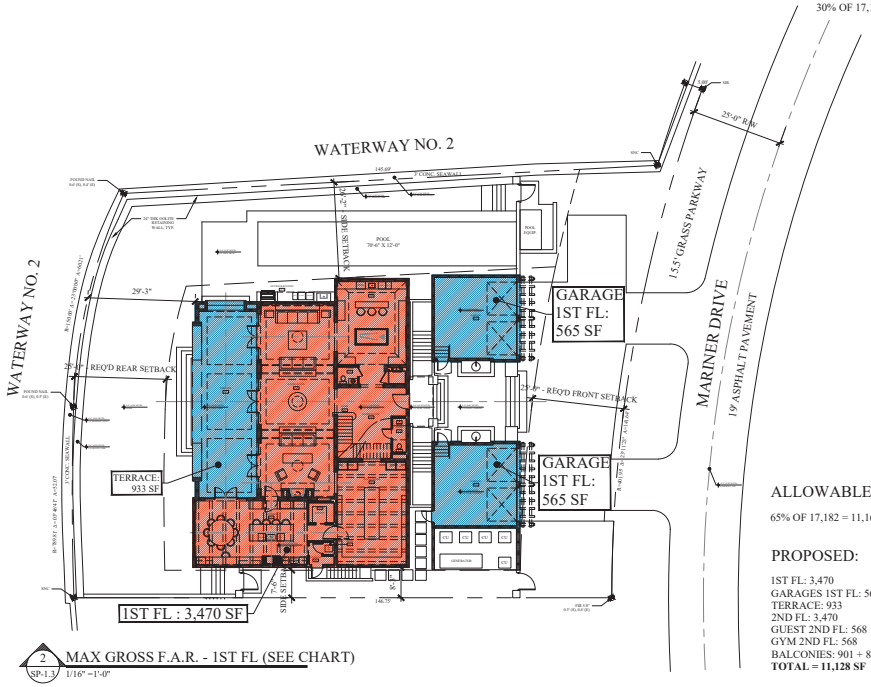
1 MIN PERVIOUS AREA (SEE CHART)
SP-1.3 1/16" =1'-0"

REQUIRED (30% OF LOT):

30% OF 17,182 = 5,155 SF

PROPOSED:

3,284 + 523 + 527 + 756 + 36 + 79 = **5,214 SF**



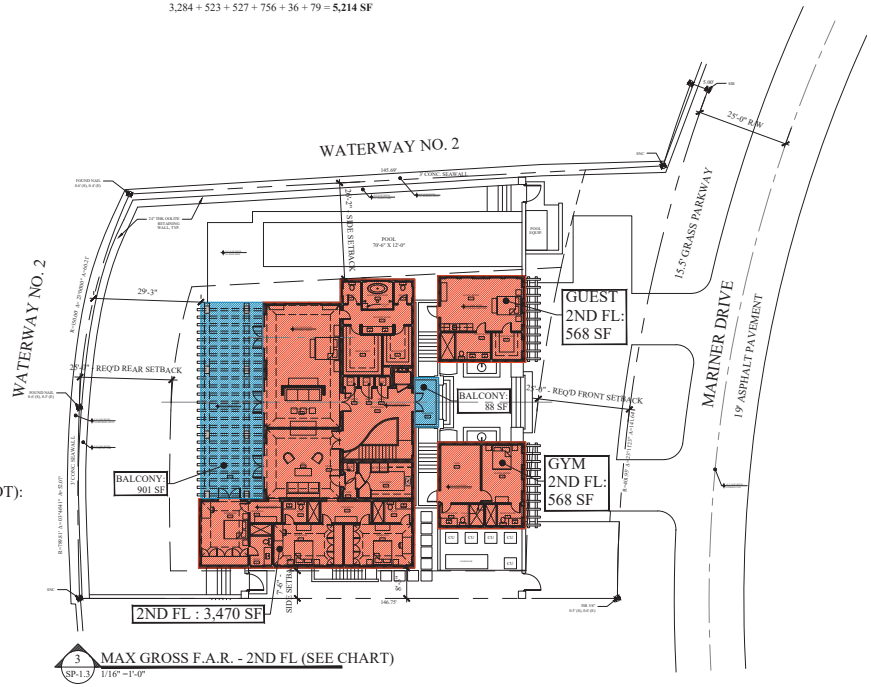
2 MAX GROSS F.A.R. - 1ST FL (SEE CHART)
SP-1.3 1/16" =1'-0"

ALLOWABLE (65% OF LOT):

65% OF 17,182 = 11,168 SF

PROPOSED:

1ST FL: 3,470
GARAGES 1ST FL: 565 + 565 = 1,130
TERRACE: 933
2ND FL: 3,470
GUEST 2ND FL: 568
GYM 2ND FL: 568
BALCONIES: 901 + 88 = 989
TOTAL = 11,128 SF



3 MAX GROSS F.A.R. - 2ND FL (SEE CHART)
SP-1.3 1/16" =1'-0"

STATE OF FLORIDA
JORGE L. HERNANDEZ
A98943
REGISTERED ARCHITECT

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 11:25:02 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. A98943

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORID ADMINISTRATIVE CODE RULE 61G1-16.005.

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PROJECT:
ESTRELLA
RESIDENCE
ADD:
50 MARINER DRIVE
KEY BISCAYNE, FL
NO.

JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9468
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
ZONING
DATE:
09/24/24
SHEET: SP-1.3

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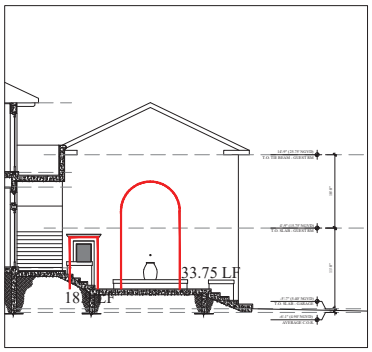
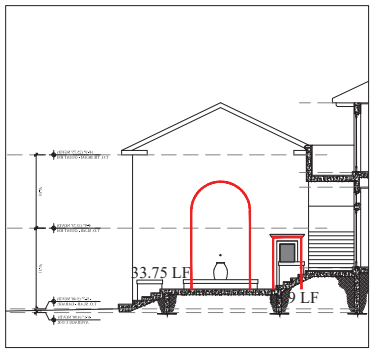
FAR CALCULATIONS & BONUSES			
ITEM NUMBER	BASE FAR: .36 BONUSES PROVIDED	AREAS AND DIMENSIONS	FAR INCREASE
2	OPEN AND UNENCLOSED BALCONIES ABOVE THE FIRST FINISHED FLOOR	(901)(.00005) = .045	.03 (MAX)
4 (a)	GARAGE OR CARPORT CONTAINING 2 OR MORE VEHICLES PARKED PARALLEL WITH AN EXTERIOR COLUMN SEPARATING EACH SPACE		.02
9	OUTSIDE MOLDINGS OR REVEALS	(380.3)(.0001) = .03803 SEE SP-1.4 FOR CALC	.02 (MAX)
11	PORTION OF THE BUILDING HAVING A LENGTH OF AT LEAST 10 FT. WITH A FRONT YARD SETBACK THAT EXCEEDS THE REQUIRED SETBACK	(730)(.0002) = .15 SEE SP-1.4 FOR CALC	.03 (MAX)
14	FLORIDA FRIENDLY LANDSCAPING	.03 FOR 80% OF PLANTING REQMENT	.03
16 (b)	HAS A MINIMUM 15 FOOT SIDE YARD SETBACK		.03
		SUBTOTAL:	.16
TOTAL ALLOWABLE FAR PLUS BONUS = .36 + .11 = .47 PROVIDED = .36 + .16 = .52 (.52>.47)			

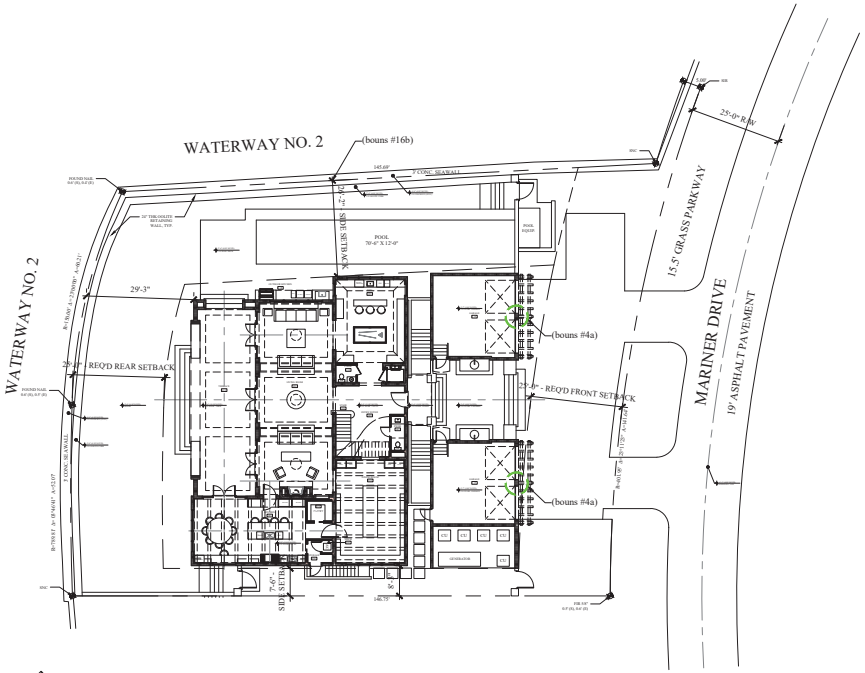


GARAGE NORTH FACADE

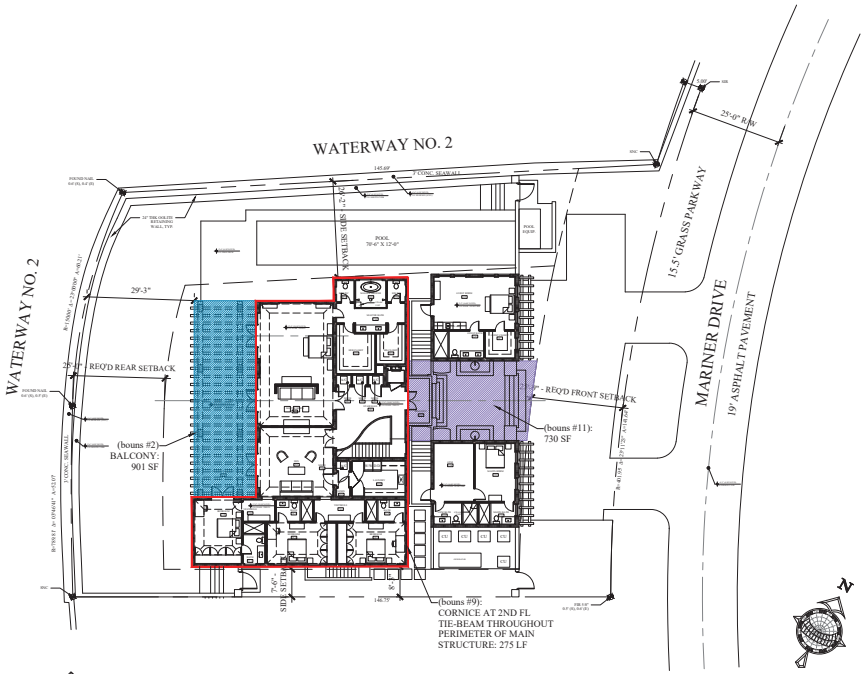


GARAGE SOUTH FACADE

1 SP-1.4 BOUNS 9 (SEE CHART)
1/16" =1'-0"



2 SP-1.4 BOUNSES 4a & 16b - 1ST FL (SEE CHART)
1/16" =1'-0"



3 SP-1.4 BOUNSES 2, 9 & 11 - 2ND FL (SEE CHART)
1/16" =1'-0"

STATE OF FLORIDA
JORGE L. HERNANDEZ
AR9843
REGISTERED ARCHITECT

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 11:27:08 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR9843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.003.

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PROJECT:
ESTRELLA
RESIDENCE
ADDRESS:
MARINER DRIVE
KEY BISCAYNE, FL
NO.

JORGE L. HERNANDEZ
Architect
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022
FLORIDA REGISTRATION #9843

REVISIONS:

DRAWING:
ZONING
JOB #24-045
DATE:
09/24/24
SHEET: SP-1.4

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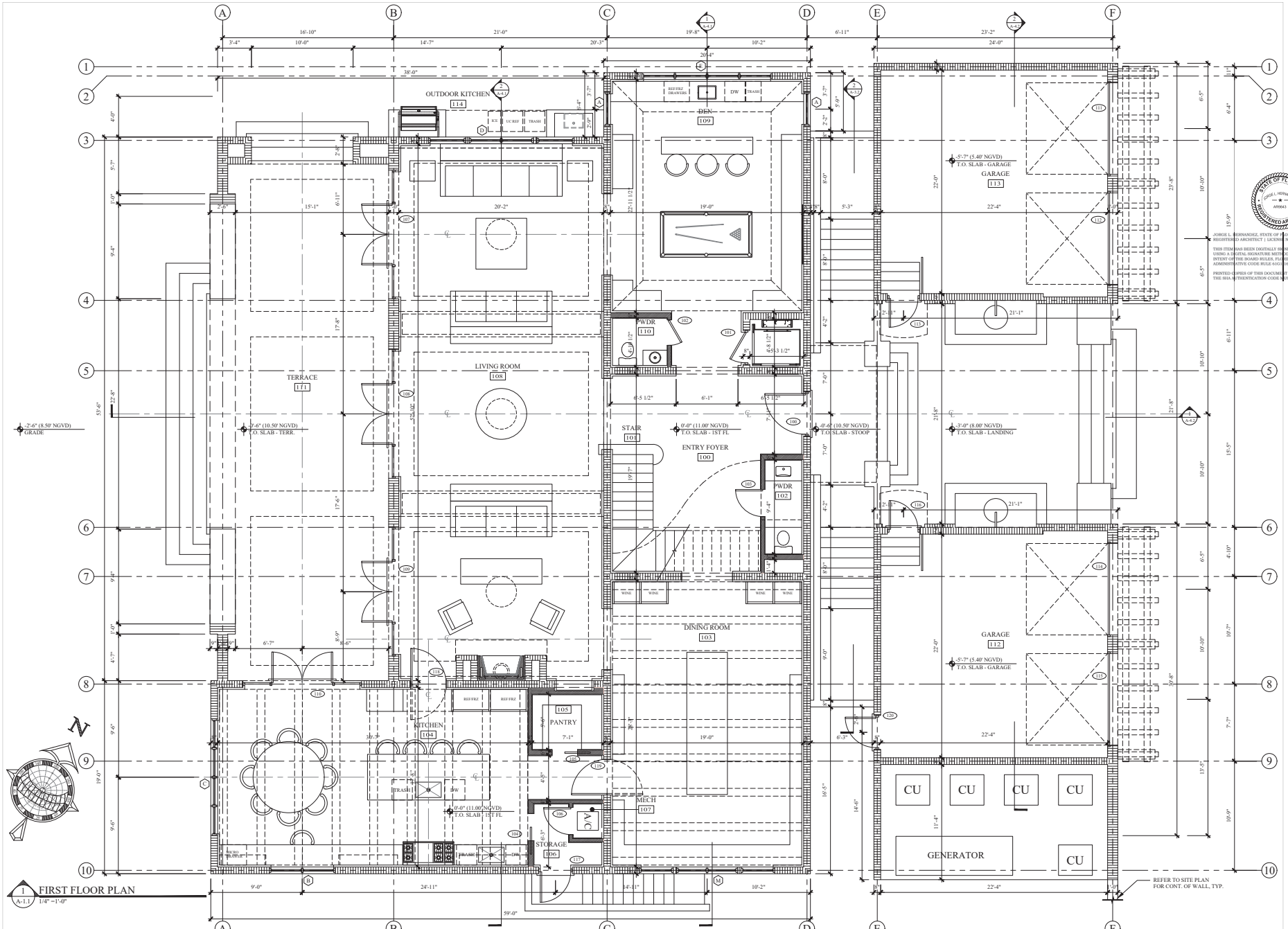

1 A-1.1 FIRST FLOOR PLAN
1/4" =1'-0"

PROJECT:
ESTRELLA
RESIDENCE
920
MARINER DRIVE
CORAL GABLES, FL
NO.

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 11:39:42 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR95843

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JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #95843
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
FIRST FLOOR
PLAN
DATE:
09/24/24

SHEET: A-1.1

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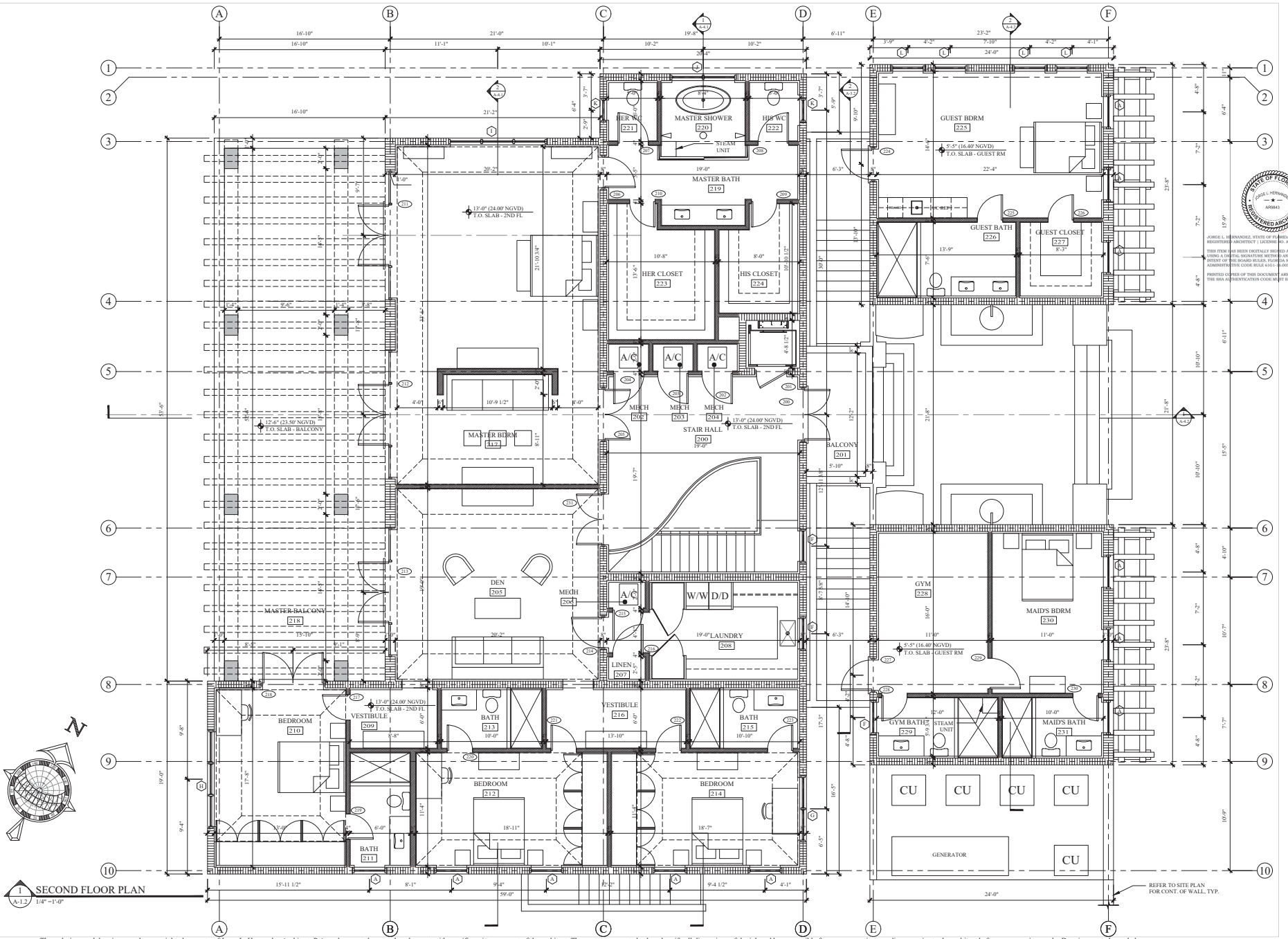

1 SECOND FLOOR PLAN
A-1.2 1/4" =1'-0"

N

PROJECT:
ESTELLA L.
RESIDENCE
920
MARINER DRIVE
LAUDERDALE
NO.

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:01:12 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA REGISTERED ARCHITECT | LICENSE NO. AR9043

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SHA HASH THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.003

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JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9043
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
SECOND FLOOR PLAN
DATE:
09/24/24
SHEET: A-1.2

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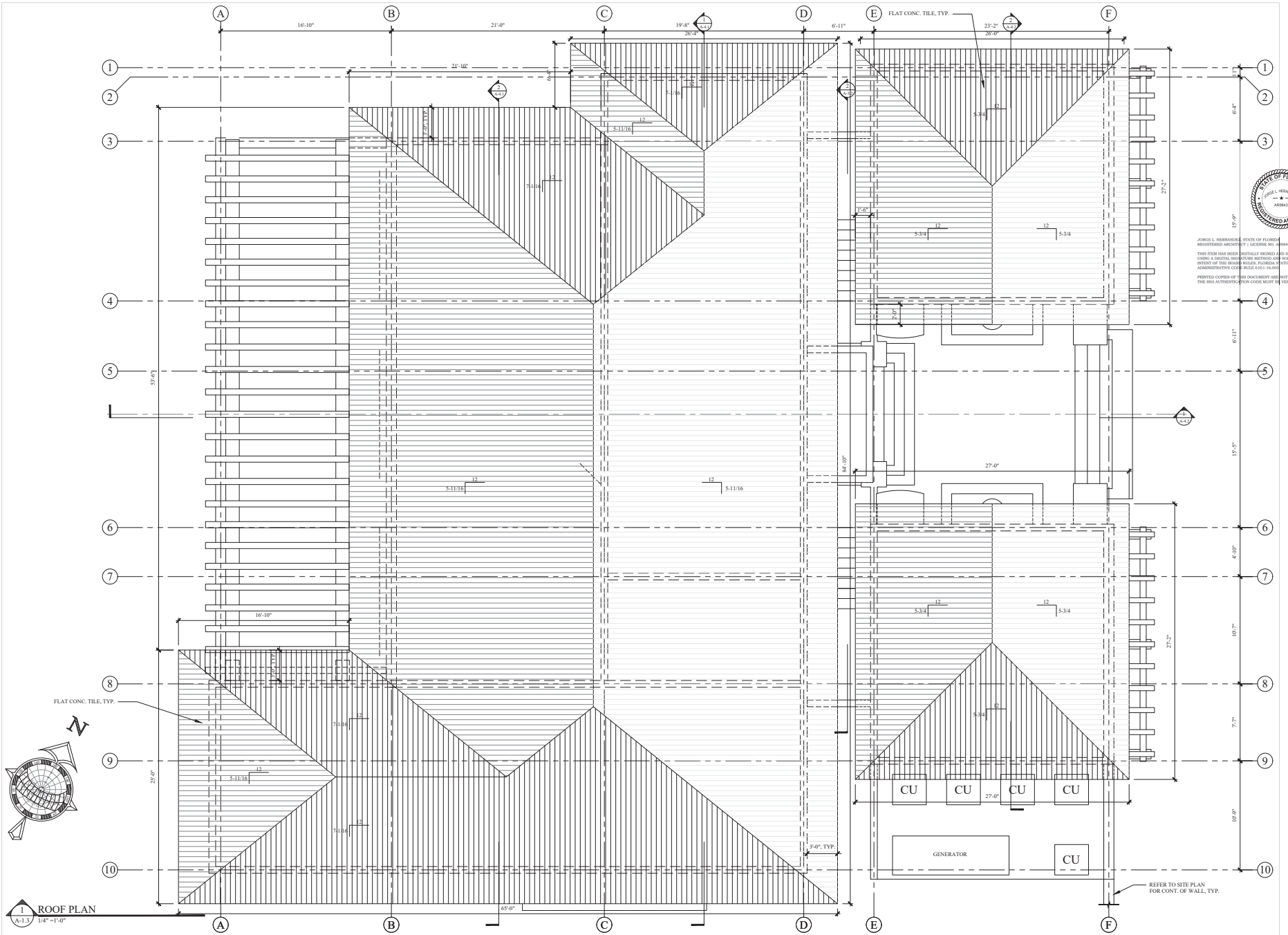

1 A-1.3 ROOF PLAN
1/4" =1'-0"

PROJECT:
ESTELA
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

STATE OF FLORIDA
JORGE L. HERNANDEZ
AR8643
REGISTERED ARCHITECT

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:23:07 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR8643

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JORGE L. HERNANDEZ
Architect
FLORIDA LICENSE NO. 0008643
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-4022

REVISIONS:

DRAWING:
ROOF PLAN
DATE:
09/24/24
SHEET: A-1.3

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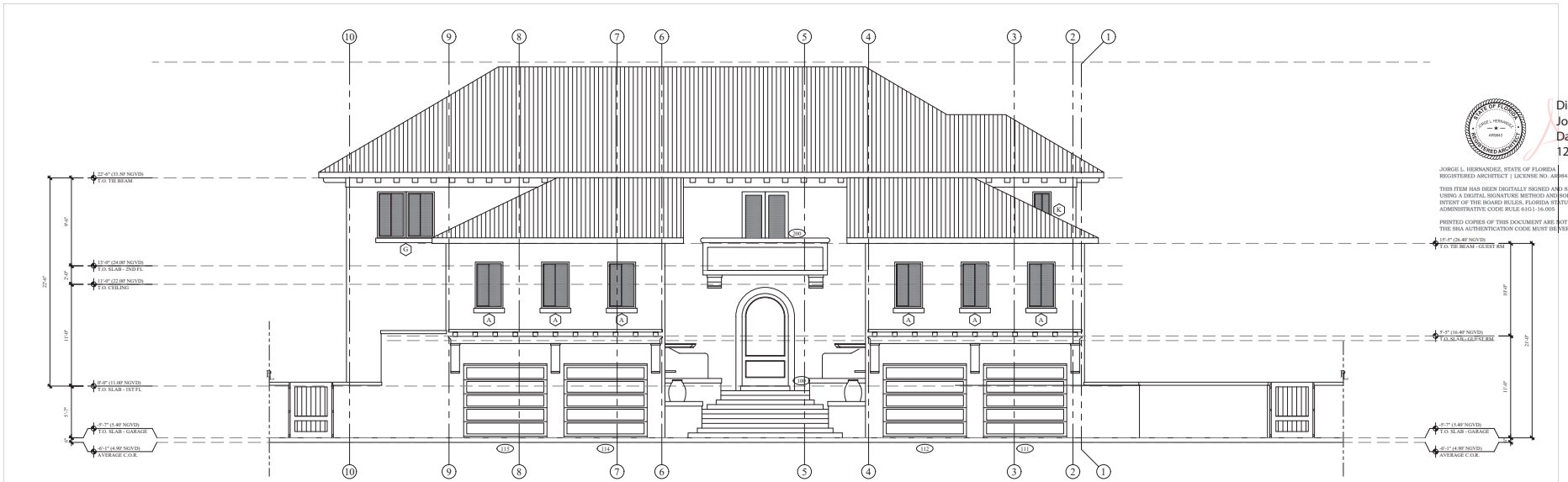
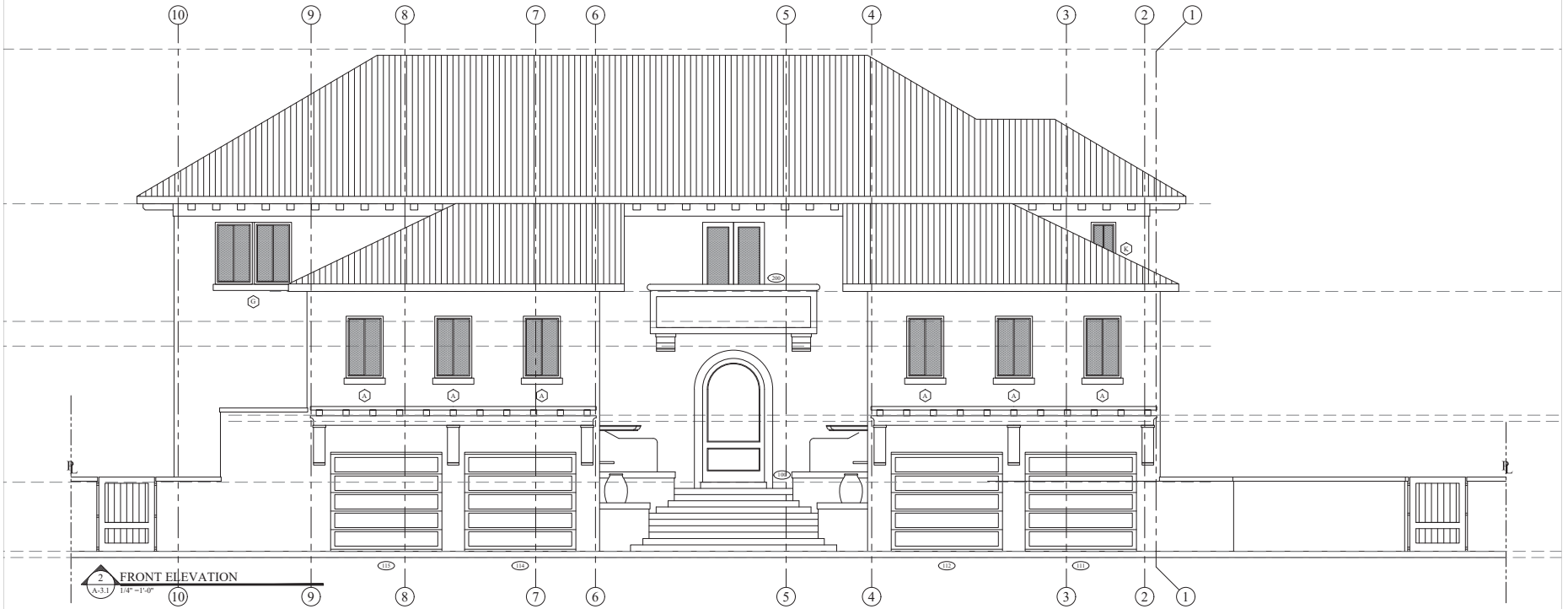


1 A-3.1 FRONT ELEVATION
3/16" =1'-0"



2 A-3.1 FRONT ELEVATION
1/4" =1'-0"

PROJECT:
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

STATE OF FLORIDA
JORGE L. HERNANDEZ
AR0943
REGISTERED ARCHITECT

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:29:54 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR0943

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JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION # 0943
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
ELEVATIONS
DATE:
09/24/24

SHEET: A-3.1

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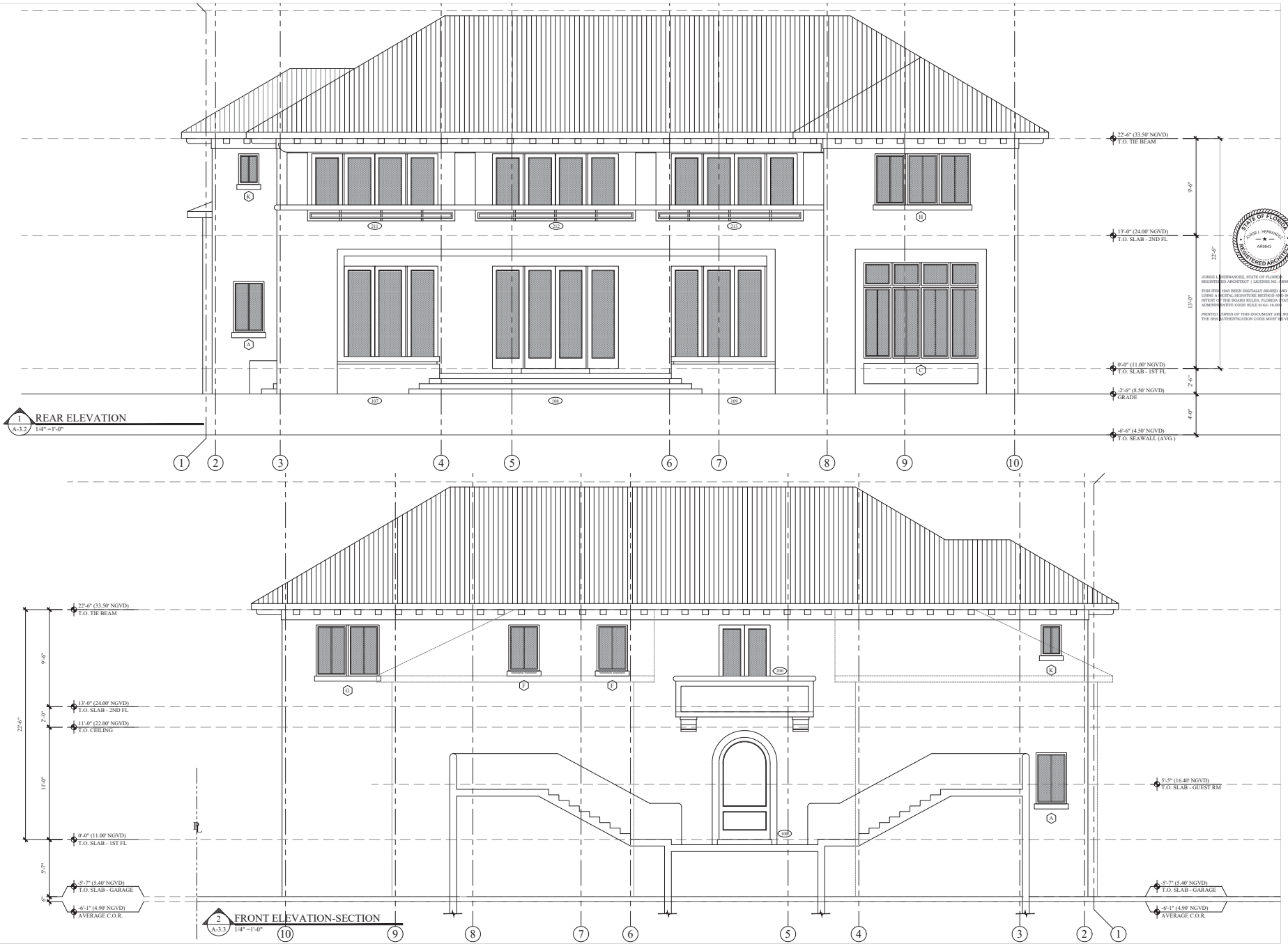

PROJECT:
PROPOSED
RESIDENCE
920
MAURICER DRIVE
LA FORCE AVE, FL
NO.

STATE OF FLORIDA
JORGE L. HERNANDEZ
AR18643
REGISTERED ARCHITECT

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR18643

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Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:42:20 -04'00'

JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #18643
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:
1
2
3
4

DRAWING:
BUILDING
ELEVATIONS
DATE:
09/24/24
SHEET: A-3.2

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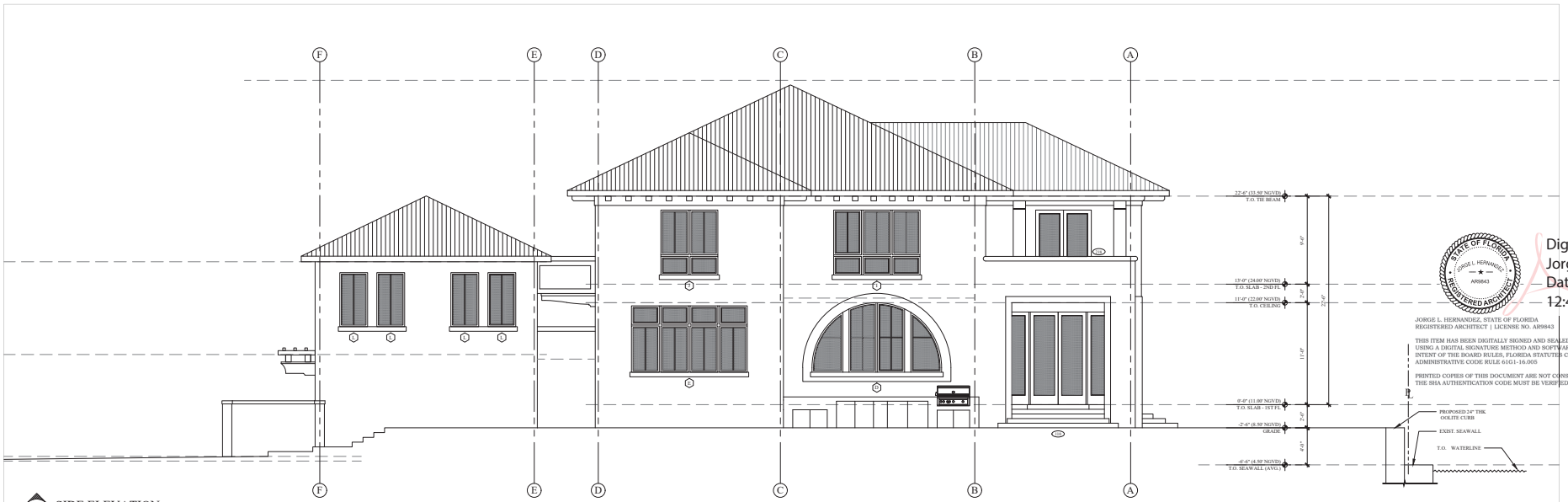

1 A-3.3 SIDE ELEVATION
3/16" =1'-0"



2 A-3.3 SIDE ELEVATION
1/4" =1'-0"

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:43:48 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR9843

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PROJECT:
ESPIELLA
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9843
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
ELEVATIONS
DATE:
09/24/24

SHEET: A-3.3

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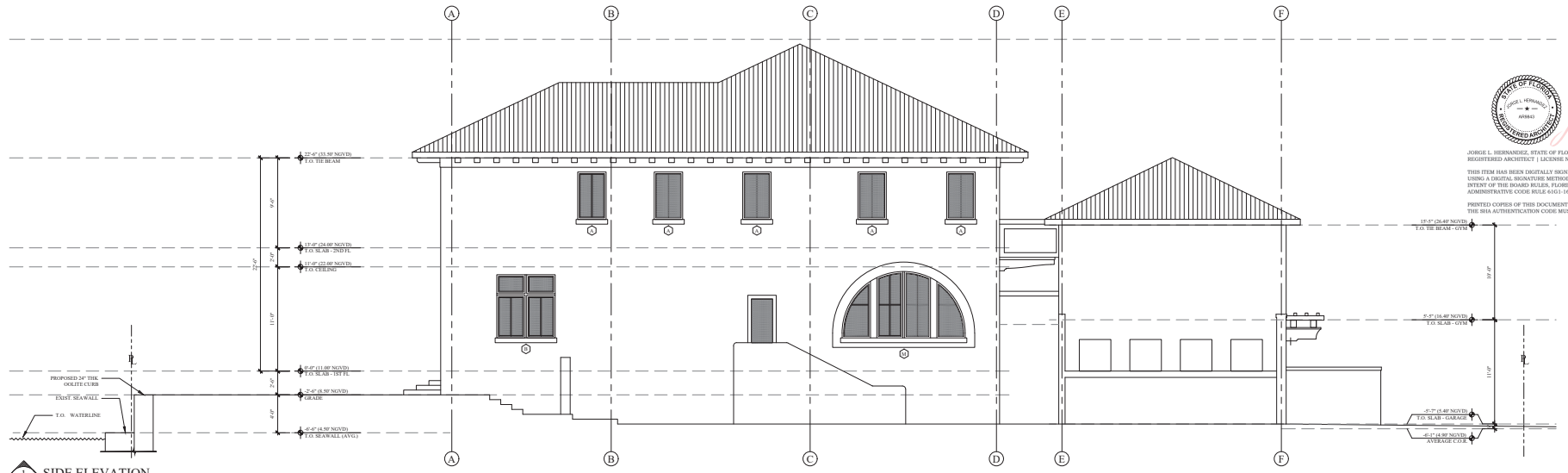
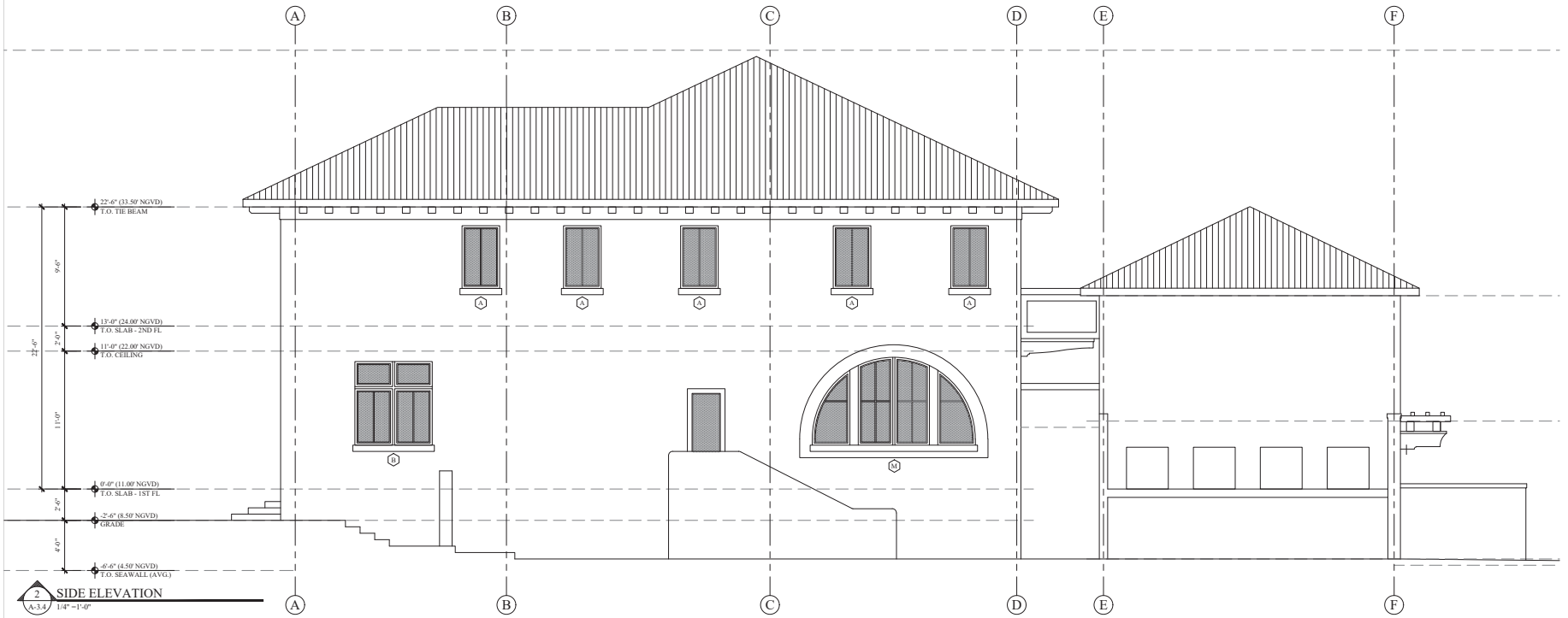


1 A-3.4 SIDE ELEVATION
1/4" =1'-0"



2 A-3.4 SIDE ELEVATION
1/4" =1'-0"

PROJECT:
ESPIELLA
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

Digitally signed by Jorge L Hernandez
Date: 2024.10.07 12:48:47 -04'00'

STATE OF FLORIDA
JORGE L. HERNANDEZ
A69843
REGISTERED ARCHITECT

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. A69843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA, USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA ADMINISTRATIVE CODE RULE 61G1-16.005.

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JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION #9468
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:

DRAWING:
ELEVATIONS
DATE:
09.24.24
SHEET: A-3.4

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1 BUILDING SECTION
A-4.2 1/4" =1'-0"

PROJECT:
ESTELLA
RESIDENCE
920
MARINER DRIVE
KEY BISCAYNE, FL
NO.

STATE OF FLORIDA
JORGE L. HERNANDEZ
AR0843
REGISTERED ARCHITECT

Digitally signed by
Jorge L Hernandez
Date: 2024.10.07
13:00:05 -04'00'

JORGE L. HERNANDEZ, STATE OF FLORIDA
REGISTERED ARCHITECT | LICENSE NO. AR0843

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JORGE L. HERNANDEZ, RA.
USING A DIGITAL SIGNATURE METHOD AND SOFTWARE THAT COMPLIES WITH THE
INTENT OF THE BOARD RULES, FLORIDA STATUTES CHAPTER 481 AND FLORIDA
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JORGE L. HERNANDEZ
Architect
FLORIDA REGISTRATION AA26001980
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:
1
2
3

DRAWING:
BUILDING SECTIONS
DATE:
09.24.24

SHEET: A-4.2

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LANDSCAPE DRAWINGS

Estrella Residence - Landscape - Plant List

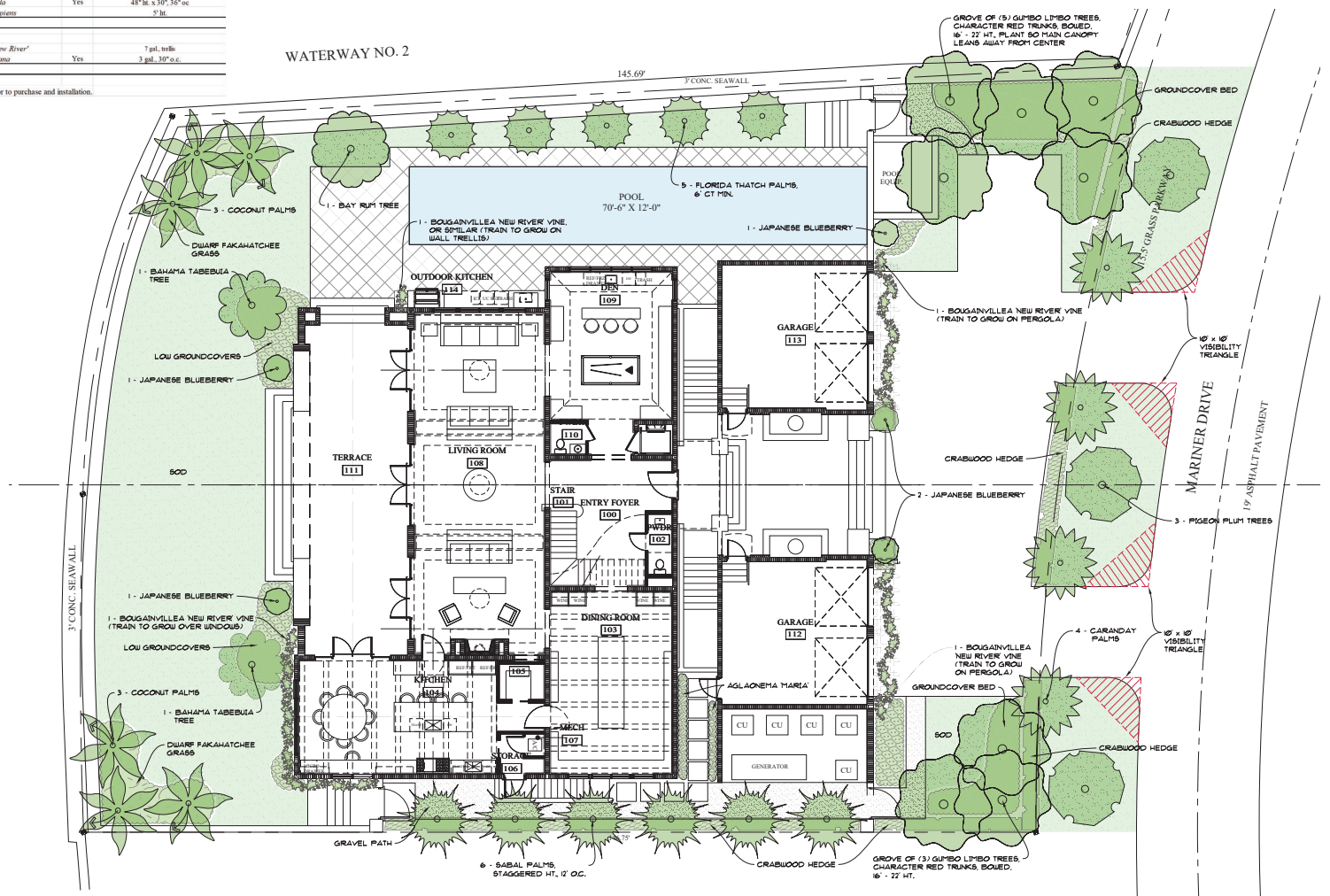
Qty.	Common Name	Botanical Name	Native	Specs
Trees				
2	Bahama Tabebuia Trees	*Tabebuia bahamensis*		15' ht. x 7' spr., 2.5" dbh
1	Bay Rum Tree	*Pimenta racemosa*		15' ht. x 7' spr., 2.5" dbh
8	Gumbo Limbo Trees	*Bursera simaruba*	Yes	16' - 22' ht., character red trunks, bowed
3	Pigeon Plum Trees (street trees)	*Coccoloba diversifolia*	Yes	14' ht. x 7' spr., 2.5" dbh
14	**Total Trees** (including street trees)	Total Native (including street trees)	11	
Palms				
4	Caranday Palm (street palms)	*Copernicia alba*		10' ht.
6	Coconut Palms	*Cocos mucifera*		16' ht.
5	Florida Thatch Palms	*Thrinax radiata*	Yes	6' CT min.
6	Sabal Palms	*Sabal palmetto*	Yes	Staggered ht., 12' o.c.
2	Travelers Palm	*Ravenala madagascariensis*		14' ht.
23	**Total Palms** (including street palms)	Total Native (including street trees)	11	
Shrubs				
•	Aglaonema 'Maria'	*Aglaonema 'Maria'*		3 gal., 24" oc
•	Crabwood	*Gymnanthes lucida*	Yes	48" ht. x 30", 36" oc
5	Japanese Blueberry	*Elaeocarpus decipiens*		5' ht.
Groundcovers, Grasses, & Vines				
4	Bougainvillea vine	*Bougainvillea 'New River'*		7 gal., trellis
•	Dwarf Fakahatchee Grass	*Tripsacum floridana*	Yes	3 gal., 30" o.c.

Note: All plant material is to be approved by L.A. via photo submittal prior to purchase and installation.

Estrella Residence - Landscape

Zoning District: Village Estate (VE)

Required	Provided
Number of Trees Required: 3	**Total Site Trees/Palms Provided: 11** (10 + 1 = 11)
5,220 sf / 1,875 sf = **2.8** trees	Number of New Trees: **11** (excluding street trees)
One tree per 1,875 sf or fraction thereof (14' ht x 7' spr, 2.5" dbh min.)	
Max. of 40% of tree requirement may be palms. If palms are provided, every 3 palms (12' ht. min.) shall be counted as 1 canopy tree	Number of New Palms: 14 (excluding street palms). Therefore, **1** (at 3:1) per max. allowed
3 trees required x 40% = 1 palm allowed towards tree requirement of 3 trees	
Number of Shrubs Required: 30	**Number of New Shrubs: 30** min.
3 x 10 = 30 shrubs	12 min. native shrubs
Ten for each required tree (24" ht. min.)	
40% Native = 12 min.	
Street Trees	**Total Street Trees/Palms Provided: 4** (3 + 1 = 4)
See Village of Key Biscayne Street Tree Planting System	Number of New Street Trees: **3**
	Number of New Street Palms: 4. Therefore, **1** (at 3:1)



0 8' 16' 24' 40'

PLANTING PLAN
SCALE: 1/8" = 1'-0"

GEOMANTIC DESIGNS, INC.
LANDSCAPE ARCHITECTURE
ROBERT PARSLEY A.S.L.A.
2312 GALIANO STREET – 2nd FLOOR
CORAL GABLES, FLORIDA 33134
PHONE: (305)665-9688

SEAL
ROBERT A. PARSLEY III, A.S.L.A.
FL REGISTERED LANDSCAPE ARCHITECT
Digitally signed by Robert A Parsley
Date: 2024.10.04 17:36:07 -04'00'

SHEET TITLE: LANDSCAPE PLANTING PLAN

PROJECT TITLE: ESTRELLA RESIDENCE
920 MARINER DRIVE KEY BISCAYNE, FLORIDA

REVISION DATE(S)

DATE: 9/24/2024

L-1

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PIGEON PLUM TREE



CARANDAY PALM



GUMBO LIMBO TREES



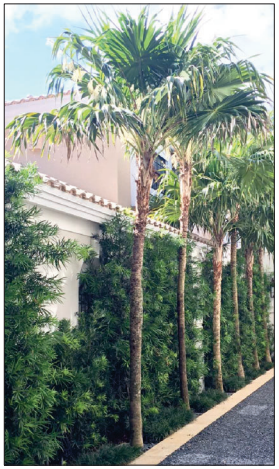
SABAL PALMS



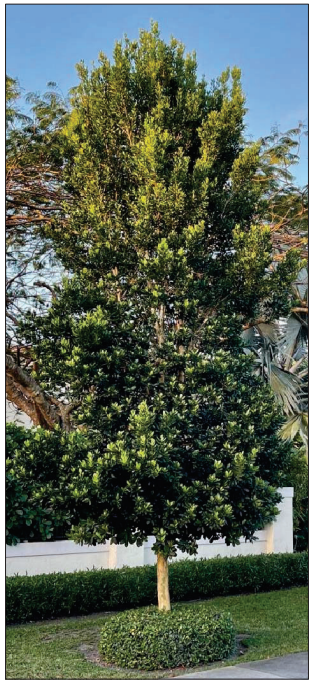
CRABWOOD HEDGE



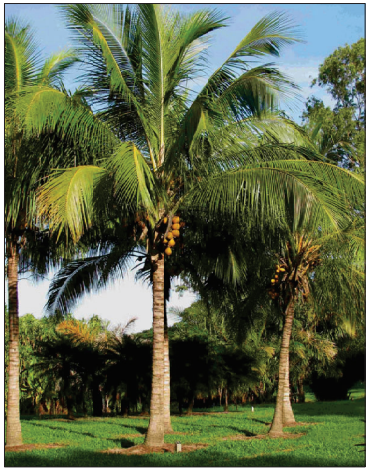
BOUGAINVILLEA VINE



FLORIDA THATCH PALM



BAY RUM TREE



COCONUT PALM



DWARF FAKAHATCHEE GRASS



BAHAMA TABEBUIA TREE



JAPANESE BLUEBERRY

CONCEPT PLANTING IMAGES

GEOMANTIC DESIGNS, INC.
LANDSCAPE ARCHITECTURE
ROBERT PARSLEY A.S.L.A.
2312 GALIANO STREET – 2nd FLOOR
CORAL GABLES, FLORIDA 33134
PHONE: (305)665-9488

SEAL:
ROBERT A. PARSLEY III
LANDSCAPE ARCHITECT
No. 6667
STATE OF FLORIDA

ROBERT A. PARSLEY III, A.S.L.A.
FL. REGISTERED LANDSCAPE ARCHITECT
Digitally signed by Robert A Parsley
Date: 2024.10.04 15:58:19 -04'00'

SHEET TITLE
LANDSCAPE
CONCEPT PLANTING IMAGES

PROJECT TITLE
ESTRELLA RESIDENCE
920 MARINER DRIVE KEY BISCAYNE, FLORIDA

REVISION DATE(S):

DATE:
9/24/2024

L-2

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VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director

RE: Easement Agreement with 1 Harbor Point and 490 West Matheson

RECOMMENDATION

Staff recommends approval of the easement agreement, with conditions, with the property owners of 1 Harbor Point and 490 West Matheson which will allow the Village to run utilities through private property. Particularly, the Village plans to use the access to construct stormwater conveyance pipes from nearby Harbor Park to dissipator structures located under existing dock locations associated with the properties. In exchange, the property owner requests that the Village restore any damaged materials, including fences, landscape, paving, and docks. Additionally, the easement agreement has a condition that the easement will be revoked if the Village permits a helicopter use within one-thousand feet of the properties.

BACKGROUND

The request for the easement agreement is associated with the Zone 1 drainage improvement project which is part of the Village Resilient Infrastructure and Adaptation Program. The Zone 1 design collects stormwater from the area roughly around the Key Biscayne K-8 school then directs the water toward filters and pumps located at Harbor Park. The stormwater will be pressurized by the Harbor Park pumps then conveyed via pipes ultimately to Biscayne Bay.

The properties subject to the agreement provide a critical link in conveying filtered storm water to the Bay. The properties are in close proximity to Harbor Park, minimizing the amount of pipe and construction. The properties provide space for the last several hundred feet of large-scale pipes from Harbor Park toward the bay and the properties provide space for dissipator structures which are required to decrease the rate of the water flow as it enters the bay.

1 Harbor Point and 490 West Matheson are uniquely well suited for conveyance and dissipation. The property has a wide existing access and utility easement which means that the additional Village requirement minimally interferes with the owner's development rights. The properties also have extensive waterfront access on both Biscayne Bay and Hurricane Harbor. The

Hurricane Harbor existing dock locations at 1 Harbor Point and 490 West Matheson are both well-suited to be re-built to incorporate dissipater drainage structures and allow 100% of the water from Zone 1 to be safely discharged to the Bay.

Village staff has worked with Miami-Dade County permitting agencies to confirm the viability of the dock-located dissipater structures. County staff has confirmed that an option incorporating a drainage structure into an existing dock footprint is minimally disruptive and will be approvable, pending additional design details. The docks extend beyond existing protected mangroves, lack seagrass in the footprint, and are in relatively deep water which are all favorable to dissipater installation.

In summary, obtaining the easements at 1 Harbor Point and 490 West Matheson provides sufficient space to allow dissipation of all of the discharge water from the K-8 basin which is part of Zone 1 of the Resilient Infrastructure and Adaptation Program in a cost-effective manner.

RESOLUTION NO. 2025 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AND ACCEPTING A DRAINAGE EASEMENT AGREEMENT WITH VDM 2014 IRREVOCABLE TRUST RELATING TO THE PROPERTY LOCATED AT 490 WEST MATHESON DRIVE AND 1 HARBOR POINT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the "Village") desires to address current and future flooding conditions within the Village; and

WHEREAS, VDM 2014 Irrevocable Trust (the "Grantor") has voluntarily agreed to grant the Village a drainage easement (the "Easement") on the property located at 490 West Matheson Drive and 1 Harbor Point (collectively, the "Property"); and

WHEREAS, the Village Council desires to approve and accept the Easement, in substantially the form attached hereto as Exhibit "A"; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Easement Approved and Accepted. Subject to the approval of the Easement by the Grantor, the Village Council hereby approves the Easement relating to the Property in substantially the form attached hereto as Exhibit "A."

Section 3. Implementation. The Village Manager is hereby authorized to take any and all steps necessary to implement the intent and purpose of this Resolution.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____ 2025.

_____
JOE I. RASCO, MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

Prepared by and return to:
Chad S. Friedman, Esq.
Weiss Serota Helfman Cole + Bierman, PL
2800 Ponce de Leon Boulevard, Suite 1200
Coral Gables, Florida 33134

Folio Numbers: 24-5206-004-0010 and 24-5206-004-0020

DRAINAGE EASEMENT AGREEMENT

This DRAINAGE EASEMENT AGREEMENT ("**Agreement**") between **Matias Mosse, Trustee of VDM 2014 Irrevocable Trust**, whose address is 1 Harbor Point, Key Biscayne, FL, 33149 ("**Grantor**"), and the **Village of Key Biscayne**, a Florida municipal corporation, whose address is 88 West McIntyre Street, Key Biscayne, Florida 33149 ("**Grantee**"), is entered into and effective as of the date this Agreement is executed by Grantee and Grantor and recorded in the public records of Miami-Dade County. Grantor and Grantee are hereinafter referred to collectively as the "**Parties**," and individually referred to as a "**Party**."

RECITALS

Grantor is the owner of the property, as defined in Section 2, located at 490 West Matheson Drive and 1 Harbor Point (the "**Property**");

Grantor desires to grant a stormwater easement on the Property as specifically defined in Section 3, to Grantee in order to assist in reducing flooding issues within the surrounding area; and

Grantee desires to accept a stormwater easement and make certain improvements to the Grantor's docks and seawall as further defined in Section 7 of this Agreement.

EASEMENT

NOW, THEREFORE, for and in consideration of the mutual terms and conditions contained herein, and the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby declare as follows:

1. **Recitals.** The recitals set forth above are true, accurate, and fully incorporated by reference herein.

2. **Description of Property.** Grantor is the owner of that certain Property, as more particularly described in the deed recorded on December 8, 2020, in Official Records Book 32255, Page 1909, of the Public Records of Miami-Dade County, Florida.

3. **Grant of Easement.** Grantor hereby grants to Grantee, its licensees, agents, independent contractors, successors and assigns, an unrestricted and perpetual non-exclusive drainage easement (the "**Easement**") on, over, under, across, and through a portion of the Property, as more particularly described on **Exhibit A,** attached hereto and made a part hereof, together with any

incidental or necessary appurtenances thereto ("**Easement Area**"), solely for the purposes of (i) constructing, installing, operating, maintaining, repairing, and replacing drainage structures and appurtenant equipment within the Easement Area for drainage, retention, and outflow of the Village stormwater system surface water, which drainage structures and equipment must be either underground or, as applicable, under the docks that are constructed within the Easement Area as shown on **Exhibit A** (collectively, the "**Drainage Improvements**"), and (ii) ingress, egress, and access on, over, under, across, and through the Easement Area for the uses described in clause (i) above.

4. **Use of Easement Area.** The grant of said Easement to Grantee, as described herein, shall be limited to the uses described in clause (i) and clause (ii) above. In addition, in no event shall Grantee's use of the Easement granted herein reasonably interfere with (a) any existing matters of record that may affect the use of Easement Area as set forth herein or (b) Grantor's use of the road known as Harbor Point or the configuration thereof (as a portion of such road is adjacent to the Easement Area). Grantee shall construct, install, operate, maintain, repair and replace the Easement Area and the Drainage Improvements therein as permitted by this Easement in the same manner as it maintains other similar facilities in the Village of Key Biscayne and shall comply with all applicable laws, rules and regulations with respect thereto.

5. **Grantor's Use of Easement Area.** Grantor retains the right to engage in any activities on, over, under, across, or through the Easement Area and shall, for its own purposes, utilize the Easement Area in any manner that does not unreasonably interfere with the Easement granted herein. For clarity, the foregoing sentence shall not prohibit Grantor from installing, constructing, maintaining, repairing, replacing and operating docks within the Easement Area as shown on **Exhibit A**.

6. **Reverter/Termination**. If Grantee adopts an ordinance or resolution permitting a helicopter use (e.g., as a landing pad) within 1,000 feet of the Property (the "Helicopter Use) and Grantee does not rescind or amend such ordinance or resolution to remove the Helicopter Use within thirty (30) days after Grantee's receipt of written notice from Grantor advising Grantee that it must remove the Helicopter Use from such ordinance or resolution, then this Agreement shall immediately and automatically terminate and the Easement Area shall revert to the Grantor and its successors, and assigns, without the requirement of any further written notice from Grantor to Grantee. The distance measurement provided for in this section shall be calculated in a straight line from the Property boundary to the closest boundary of the property upon which the helicopter use is allowed, ignoring any curves or obstacles on the ground.

7. **Improvements.** Grantee agrees, at Grantee's sole cost and expense, to replace the docks and improve the seawall as more particularly described on **Exhibit B,** attached hereto and made a part hereof, within the Easement Area, all in accordance with all applicable laws, rules and regulations.

8. **Indemnification and Insurance**.

a) **Indemnification**. Subject to the provisions and monetary limitations of Section 768.28, Florida Statutes, as amended from time to time, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the extent permitted by law, the Grantee agrees to defend and indemnify the Grantor and hold Grantor harmless against any damages to persons or property, including claims brought by third parties, arising out of or in connection with any flow of stormwater from the Property or the construction, maintenance, and use of the Easement Area or, the exercise of any other rights of Grantee under this

Agreement, or failure by Grantee to perform any of its obligations under this Agreement, except any damages resulting from, arising out of, or incurred in connection with any acts or omissions, including intentional and negligent acts, of the Grantor, or any of its officers, guests, invitees, employees, agents, and contractors. For purposes of this indemnification, the term "damages" includes all costs and expenses, including attorney's fees and costs, which are incurred by the Grantor in connection with the indemnification claim. Notwithstanding the foregoing, nothing in this Agreement will be construed to affect or waive in any way the monetary limitations of Section 768.28, Florida Statutes, which immunities and limitations shall be applicable regardless of whether such provisions would otherwise apply.

b) **Insurance Coverage**. The Village shall at all times during the term of this Agreement maintain appropriate insurance coverage sufficient to cover injury to persons or damage to property caused by the acts of the Village, its officials, employees, agents, and volunteers in connection with the Easement.

9. **Amendments.** This Agreement may be amended, altered, or modified only by written agreement between the Parties, or their heirs, assigns, or successors-in-interest, which shall be recorded in the Public Records of Miami-Dade County, Florida.

10. **Prior Agreements.** This Agreement represents the final and complete understanding of the Parties and incorporates or supersedes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein. The Parties agree that there is no commitment, agreement, or understanding concerning the subject matter of this Agreement that is not contained in this written document. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representation or agreement, whether oral or written.

11. **Jurisdiction, Venue, Waiver of Jury Trial.** This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. The Parties agree and accept that jurisdiction of any controversies or legal problems arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder, shall be exclusively in the state courts of the Eleventh Judicial Circuit in Miami-Dade County, Florida, and venue for litigation arising out of this Agreement shall be exclusively in such state courts, forsaking any other jurisdiction which either Party may claim by virtue of its residency or other jurisdictional device. BY **ENTERING INTO THIS AGREEMENT, GRANTOR AND GRANTEE HEREBY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO THIS AGREEMENT. IF A PARTY FAILS TO WITHDRAW A REQUEST FOR A JURY TRIAL IN A LAWSUIT ARISING OUT OF THIS AGREEMENT AFTER WRITTEN NOTICE BY THE OTHER PARTY OF VIOLATION OF THIS SECTION, THE PARTY MAKING THE REQUEST FOR JURY TRIAL SHALL BE LIABLE FOR THE REASONABLE ATTORNEYS' FEES AND COSTS OF THE OTHER PARTY IN CONTESTING THE REQUEST FOR JURY TRIAL, AND SUCH AMOUNTS SHALL BE AWARDED BY THE COURT IN ADJUDICATING THE MOTION.**

12. **Binding Effect.** This Agreement shall run with the Property and the Easement Area, and shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, successors, and assigns, as applicable.

13. **Incorporation by Reference.** Attached **Exhibit A and Exhibit B** are incorporated into

and made a part of this Agreement.

14. **Representation of Authority.** Each individual executing this Agreement on behalf of a Party hereto hereby represents and warrants that he or she is, on the date he or she signs this Agreement, duly authorized by all necessary and appropriate action to execute this Agreement on behalf of such party and does so with full legal authority.

15. **Recording.** Grantee, at its own expense, shall record this fully executed Easement in its entirety in the Public Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF, the undersigned has signed and sealed this Instrument on the respective date under its signature: **Matias Mosse, as Trustee of the VDM 2014 Irrevocable Trust,** signing as Property owner, and the **Village of Key Biscayne, signing by and through its Mayor,** authorized to execute same by the Village Council action on the _____ day of _____, 2025 (Agenda Item #_____).

[EXECUTION PAGES FOLLOW]

EXECUTED as of the date first above written in several counterparts, each of which shall be deemed an original, but all constituting only one agreement.

GRANTOR:

Signed, sealed and delivered:
In the presence of:

VDM 2014 Irrevocable Trust

By: _____
Matias Mosse, as Trustee

_____
Print Name: _____
Address: _____
_____
_____

Executed on: _____, 2025

_____
Print Name: _____
Address: _____
_____
_____

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ____ physical presence or ___ online notarization, this ___ day of _____, 2025, by **Matias Mosse, as Trustee of the VDM 2014 Irrevocable Trust**. He is personally known ____ or produced _____ as form of identification.

[NOTARY SEAL]

_____
Notary Public for the State of Florida

_____
Name Type, Print or Stamped

My Commission expires: _____

Signed, sealed and delivered in the presence of:

GRANTEE:

VILLAGE OF KEY BISCAYNE,
a Florida municipal corporation

_____
Print Name: _____
Address: _____
_____
_____

By: _____
Steven C. Williamson, Village Manager

Executed on _____, 2025.

_____
Print Name: _____
Address: _____
_____
_____

ATTEST:

_____
Jocelyn B. Koch, Village Clerk

Approved as to form and legal sufficiency for the use and reliance of the Village of Key Biscayne, Florida:

_____
Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

STATE OF FLORIDA)
)SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ____ physical presence or ___ online notarization, this ___ day of _____, 2025, by **STEVEN C. WILLIAMSON** as Village Manager of the Village of Key Biscayne on behalf of the Florida municipal corporation. He is personally known ____ or produced _____ as form of identification.

[NOTARY SEAL]

_____
Notary Public for the State of Florida

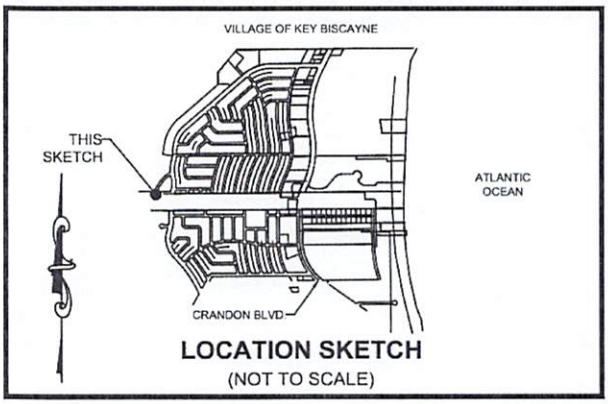
_____
Name Type, Print or Stamped
My Commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION AND SKETCH OF EASEMENT AREA

LEGEND:

D.B.	DEED BOOK
M.D.C.R.	MIAMI-DADE COUNTY RECORDS
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
R/W	RIGHT OF WAY
SQ. FT.	SQUARE FEET
(1)	INDICATES LOT NUMBER



LOCATION SKETCH
(NOT TO SCALE)

SURVEY NOTES:

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COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 89°28'54" WEST, A DISTANCE OF 37.91 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, BEING A POINT ON THE EAST LINE OF A PRIVATE ROADWAY RECORDED IN DEED BOOK 3418, PAGE 233 AND SHOWN IN AFOREMENTIONED PLAT; THENCE ALONG SAID EAST LINE SOUTH 24°24'50" WEST, 148.47 FEET; THENCE CONTINUE ALONG SAID EAST LINE SOUTH 03°36'06" WEST, 90.41 FEET; THENCE DEPARTING SAID EAST LINE SOUTH 87°03'40" WEST, 1.23 FEET; THENCE NORTH 02°43'11" EAST, 111.00 FEET; THENCE NORTH 24°24'50" EAST, 125.75 FEET TO A POINT ON THE NORTH LINE OF LOT 1 OF AFOREMENTIONED PLAT; THENCE ALONG SAID NORTH LINE NORTH 89°28'54" EAST, 11.03 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE VILLAGE OF KEY BISCAYNE, MIAMI-DADE COUNTY, FLORIDA, CONTAINING 1,571 SQUARE FEET, MORE OR LESS.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS PREPARED UNDER MY DIRECTION ON JANUARY 8, 2024. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KCI TECHNOLOGIES, INC.
SURVEYORS, ENGINEERS, AND PLANNERS

NEWTON J MENDONCA NETO
License Number 7490
STATE OF FLORIDA
Professional Surveyor and Mapper

Digitally signed by Newton Jose Mendonca Neto
Date: 2025.01.10 18:15:04 -05'00'

BY: NEWTON J. MENDONCA NETO, P.S.M.
FLORIDA REGISTRATION NO. 7490

DRAINAGE EASEMENT

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SKETCH AND DESCRIPTION
A PORTION OF BLOCK 1
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(P.B. 132, PG. 14, M.D.C.R.)
VILLAGE OF KEY BISCAYNE,
MIAMI-DADE COUNTY, FL

DATE	1/8/2025
SCALE	AS SHOWN
FIELD BK.	N/A
DWG. BY	AIB
CHK. BY	NJMN

DATE	REVISIONS

KCI ENGINEERS | PLANNERS | SCIENTISTS
CONSTRUCTION MANAGERS
1425 W Cypress Creek Road, Suite 101
Fort Lauderdale, FL 33309 • 954.776.1616 • www.kci.com
LICENSED BUSINESS NO. 6901

SHEET NO. 1 OF 2 SHEETS
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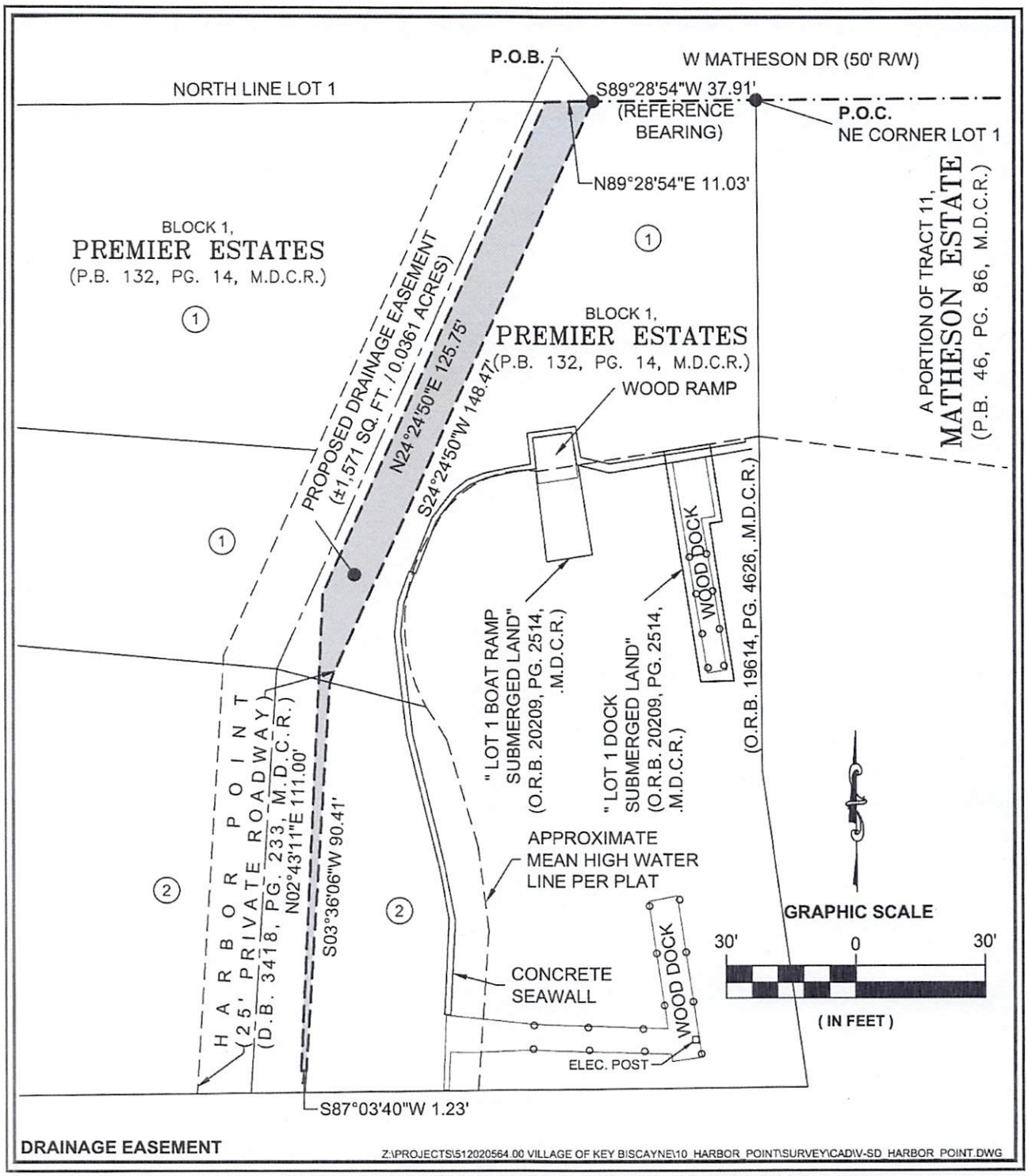

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SHEET NO. 2 OF 2 SHEETS
PROJECT NO. 00011980_00001L

LEGEND:

D.B.	DEED BOOK
M.D.C.R.	MIAMI-DADE COUNTY RECORDS
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
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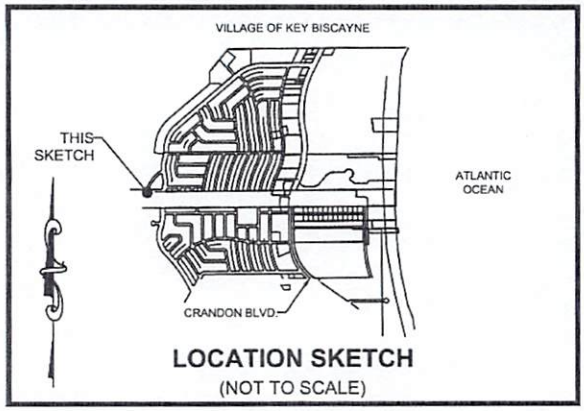

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SAID LANDS LYING AND BEING IN THE VILLAGE OF KEY BISCAYNE, MIAMI-DADE COUNTY, FLORIDA, CONTAINING 1,123 SQUARE FEET, MORE OR LESS.

CERTIFICATE:

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SURVEYORS, ENGINEERS, AND PLANNERS

NEWTON J MENDONCA NETO License Number 7490 STATE OF FLORIDA Professional Surveyor and Mapper

Digitally signed by Newton Jose Mendonca Neto
Date: 2025.01.10 18:14:26 -05'00'

BY: NEWTON J. MENDONCA NETO, P.S.M.
FLORIDA REGISTRATION NO. 7490

DRAINAGE EASEMENT

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CHK. BY	NJMN

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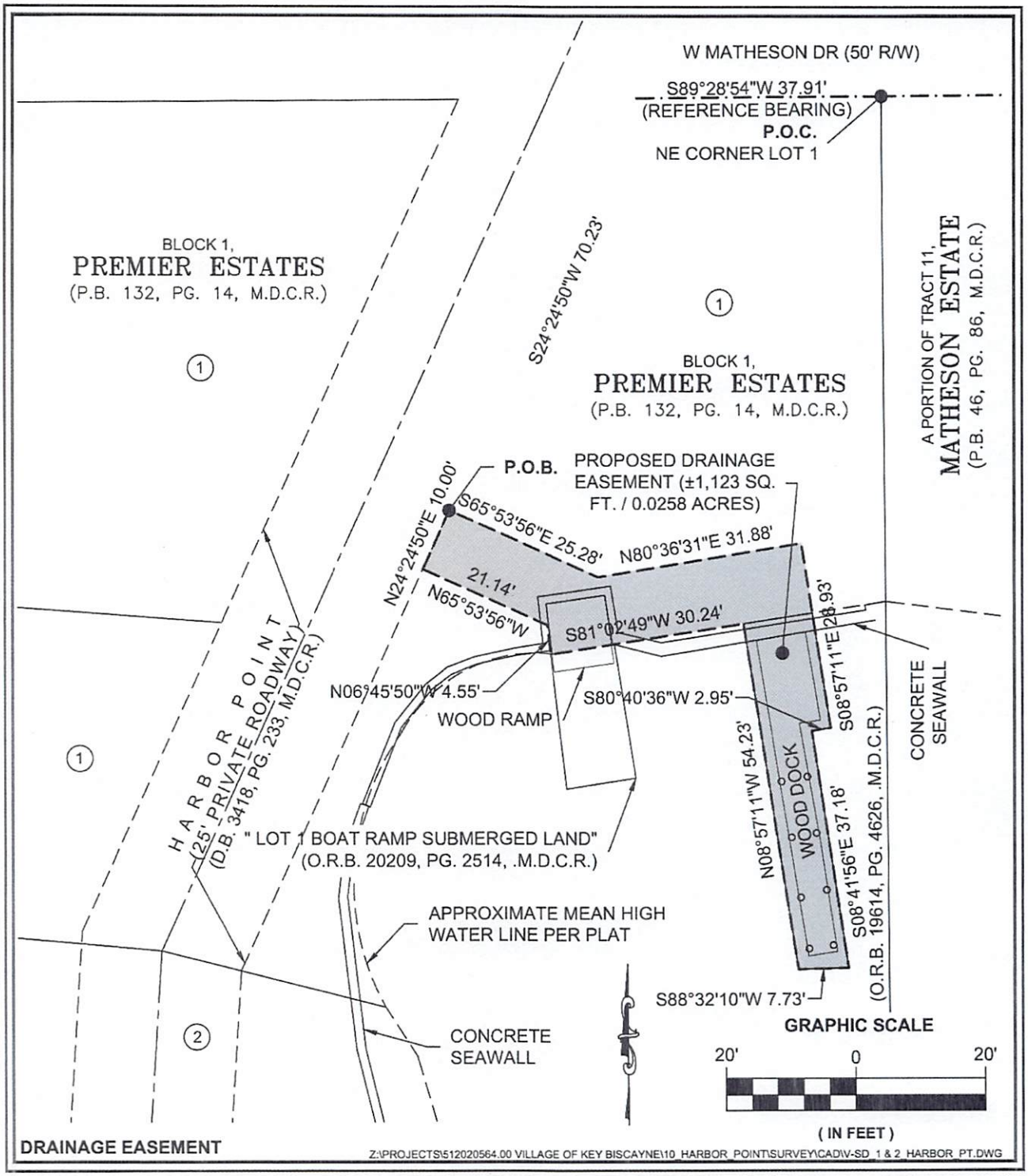

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SHEET NO. 2 OF 2 SHEETS
PROJECT NO. 00011980_00001L

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M.D.C.R.	MIAMI-DADE COUNTY RECORDS
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PG.	PAGE
P.O.B.	POINT OF BEGINNING
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R/W	RIGHT OF WAY
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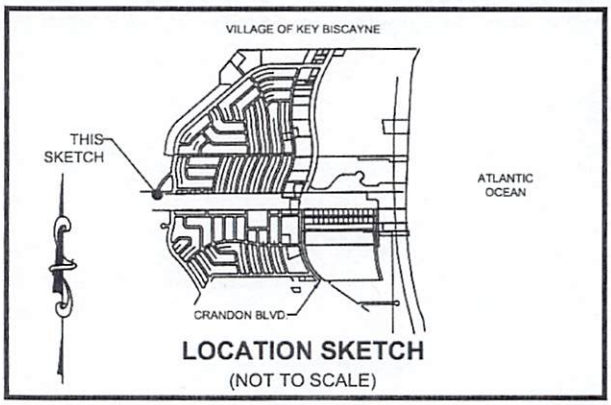

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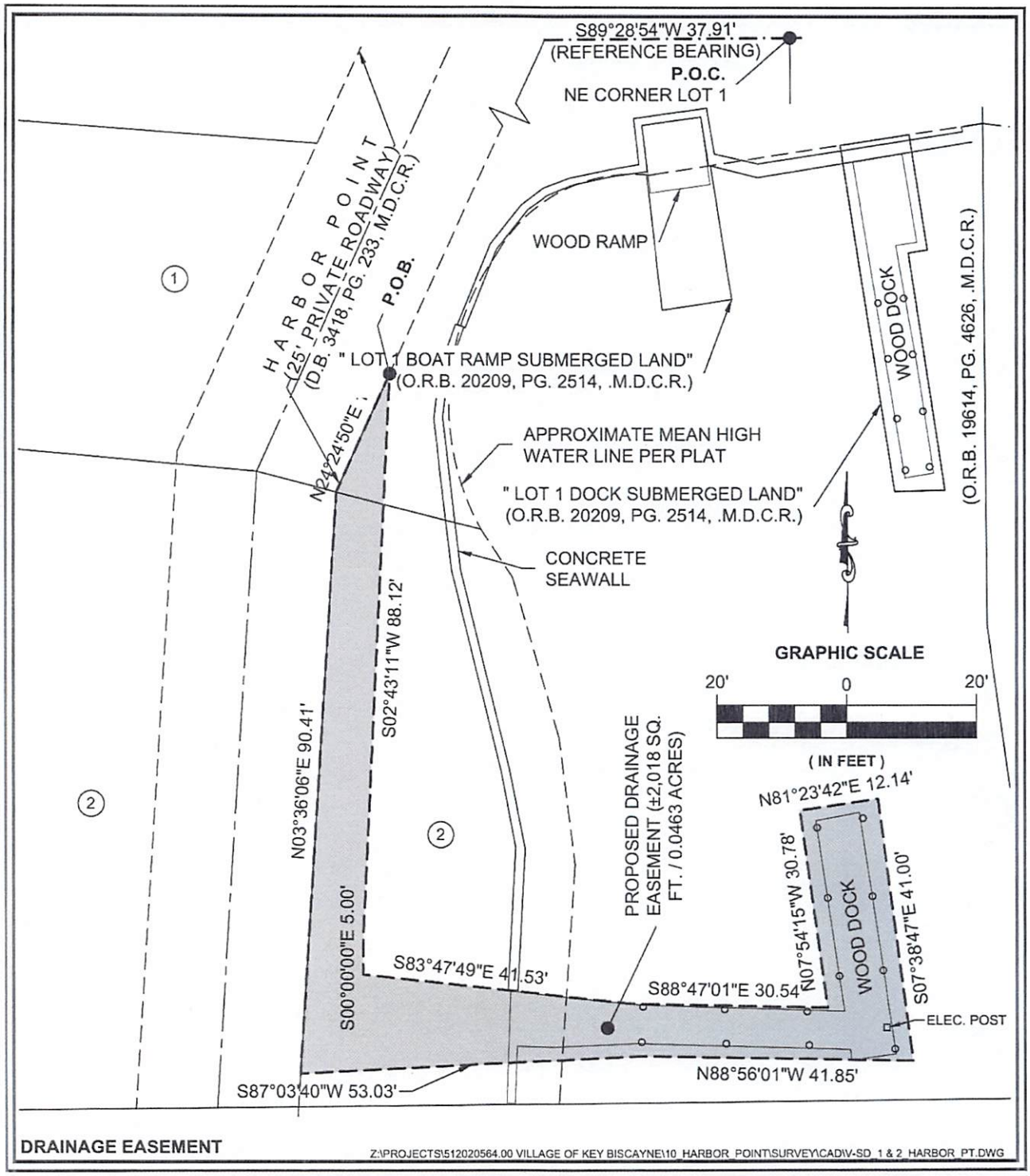

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LICENSED BUSINESS NO. 6901

SHEET NO. 2 OF 2 SHEETS
PROJECT NO. 00011980_00001L

EXHIBIT B

DESCRIPTION OF DOCK AND SEAWALL IMPROVEMENTS

1. Rebuild the seawall in the area affected by the force main construction, ensuring it harmonizes with the existing structure.

2. Construct dissipators at both the north and south docks, maintaining the existing dock footprints.

3. Rebuild both docks to the same standards, dimensions, and materials as the existing ones, integrating the docks and any associated utilities into the dissipator structures.

4. Relocate existing utilities as needed for force main installation.

5. Restore roadway, fencing, sod, and/or pavers in impacted areas as needed.

6. Restore the site to its original condition or better.

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, ***Vice Mayor***
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: January 14, 2025

TO: Honorable Mayor and Councilmembers

FROM: Steven C. Williamson, Village Manager

RE: Discussion Items

1. **2025 Village Legislation Priorities & Timeline**
2. **Resilient Infrastructure and Adaptation Program Update**
3. **Related RIAP Ordinances/Policies**
   a) Right-of-Way and Private Property Harmonization Requirements and Standards
   b) Utility Connection Responsibilities
   c) Driveway Pervious Material Requirements and Standards
   d) Freeboard at BFE +2/3
   e) Building Height
   f) Site Elevation
4. **Rickenbacker Causeway Priorities**
5. **Capital Improvement Program (CIP) Update**
6. **10 Focus Areas Update - AchieveIt**

Discussion Items
January 14, 2025

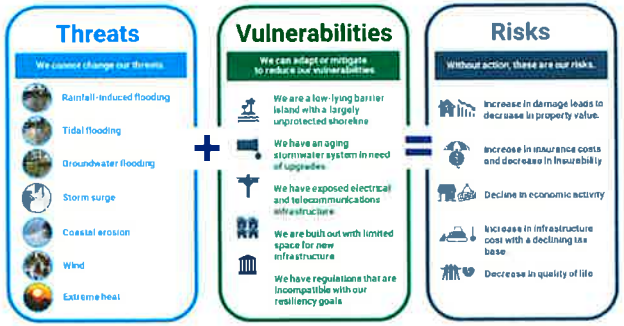
2025 Village Legislation Priorities & Timeline

Village of Key Biscayne 2025 Legislation Formulation Priorities & Timeline

As of: 1/8/2025

PRI	Group	Date	Ordinance Title	Intent	Lead	Status/Comments
Resilience						
1	RIAP 1	Feb/Mar	Right-of-Way/Private Property Harmonization	Harmonize roadways and stormwater system upgrades with private property and identifying Village and resident responsibilities	Roland	Will discuss with Council at January 14, 2025 Meeting
1	RIAP 1	Feb/Mar	Utility Residential Connections	Provide direction on electrical and telecom connection responsibilities	Roland	Will discuss with Council at January 14, 2025 Meeting
2	RIAP 2	Feb/Mar	Freeboard at Base Flood Elevation +2/3	Increase freeboard requirements for new construction	Jeremy	Will discuss with Council at January 14, 2025 Meeting
2	RIAP 2	Feb/Mar	Building Height Aligned with Increase in Freeboard	Consider adjusting building height aligned with increase in freeboard	Jeremy	Will discuss with Council at January 14, 2025 Meeting
2	RIAP 2	Feb/Mar	Site Elevation	Consider allowing property owners to raise site	Jeremy	Will discuss with Council at January 14, 2025 Meeting
2	RIAP 2	Feb/Mar	Allow Higher Seawalls/Bulkheads	Increase allowable height of seawalls/bulkheads from 6' to 6.5'	Jeremy	Will discuss with Council at January 14, 2025 Meeting
2	Waste	Apr/May	Single-Use Plastics in Government Facilities & Operations	Eliminate use of single-use plastics and polystyrene in village-operated facilities (similar to recent County Ordinance)	SAB	Researching and drafting
2	Waste	Apr/May	Recycling Ordinance	Update recycling ordinance based on best practices to be in place when releasing new Solid Waste RFP in June 2025	SAB	Researching and drafting
3	Energy	Jul/Aug	EV Parking Infrastructure Standards	Promote sustainability by ensuring accessible and designated EV parking spaces	Jeremy	
3	Energy	Jul/Aug	Solar Ready Infrastructure Standards	Encourage renewable energy use and future solar installations by aligning with Florida Building Code Solar Ready guidelines	Jeremy	
1	RIAP 3	Apr/May	Impervious Materials Restrictions (Adopt from County)	Implement County impervious material ordinance tailored to meet Village resilience goals	Chris	
3	RIAP 3	TBD	County Flood Criteria Adoption	Consider adopting appropriate criteria to support flood reduction goals	Chris	
4	RIAP 3	TBD	Private Property Onsite Water Retention	Enhance stormwater management by requiring onsite water retention on private properties, reducing runoff and flooding	Chris	
4	RIAP 3	TBD	Tidal Flood Barrier Regulation	Establish guidelines to prevent tidal flooding of public rights-of-way and neighboring properties, set a standard seawall crest elevation, outline a schedule for achieving minimum elevation across bayside waterfronts, and promote nature-based solutions.	Roland	
3	RIAP 3	TBD	CRS & Floodplain Management	Enhance community resilience and reduce flood risks by implementing effective floodplain management and improving CRS ratings	Jeremy	
3	RIAP 3	TBD	FEMA 50% Improvement/Renovation Rule	Ensure compliance with FEMA regulations by limiting substantial improvements or renovations to 50% of a structure's market value in flood prone areas	Jeremy	
Smart Development						
PRI	Group	Date	Ordinance Title	Intent	Lead	Status/Comments
3	Signs	Mar/Apr	Institutional Signage	Provide standards and guidance for institutions on size, type, number and format of signs	Jeremy	Final draft
3	Signs	Mar/Apr	Commercial Signage	Provide standards and guidance for commercial entities on size, type, number and format of signs	Jeremy	Final draft
3	Vision	Jul/Aug	Comprehensive Plan - Reformat	Reformat Comprehensive Plan to be more in line with State standards	Jeremy	
3	Vision	Oct/Nov	Comprehensive Plan - Update	Guide development by updating the Comprehensive Plan to reflect current and future community needs	Jeremy	
3	Vision	Oct/Nov	Update Commercial District Form	Modernize the commercial district's design and functionality	Jeremy	Implements Vision Plan | Would need dedicated zoning review effort
Residential						
PRI	Group	Date	Ordinance Title	Intent	Lead	Status/Comments
2	RIAP 3	Feb/Mar	Rehire Single-Family Home Incentives (+/-)	Encourage sustainable and resilient development through targeted incentives/disincentives for single-family homeowners	Jeremy	Will discuss with Council at January 14, 2025 Meeting
3	RIAP 3	Apr/May	Impervious Materials on Driveways (Artificial Turf)	Limit the use of impervious materials and artificial turf on driveways, promoting proper drainage	Jeremy	Include in Impervious Materials Restrictions
3	RIAP 3	Apr/May	Driveways for Existing Homes (50% Rule)	Ensure compliance with the 50% rule for driveways in existing homes	Jeremy	Include in Impervious Materials Restrictions
3	Construction	Dec/Jan	Construction Fence Height to 6 Feet	Enhance safety and privacy by standardizing construction fence heights	Jeremy	
3	Construction	Aug/Oct	Dormant Residential Construction Sites	Address dormant residential construction sites by ensuring safety, appearance and cleanliness	Jeremy	
3	Construction	Aug/Oct	Construction Safety, Noise and Neighborhood Disruption	Minimize safety hazards, noise, and disruption from construction activities	Jeremy	
4	Right of Way	Oct/Nov	Swale Management	Promote proper swale management for improved drainage, environmental wellness and access	Chris	
Miscellaneous						
PRI	Group	Date	Ordinance Title	Intent	Lead	Status/Comments
1	Parks	Dec/Jan	Park Hours	Establish park hours in order to locally enforce park time usage	Todd	
3	Civic	Mar/Apr	KBCF Fund for Matching Public Investments	Create KBCF managed fund to allow private funds and grants for village arts, civic, and parks objectives	Steve	

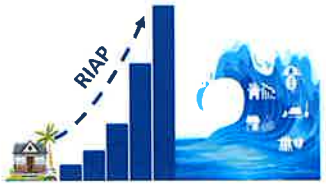
Threats Stress Our Vulnerabilities



Resilient Infrastructure & Adaptation Program

Program Purpose

To protect our residents, their property and the island's quality of life from the impending increase in flooding, rising sea levels, and environmental changes by building a stronger, more resilient community.



Lines Of Effort

Shoreline Protection
The Village, in partnership with the U.S. Army Corps of Engineers (USACE) and Miami Dade County, is developing solutions to protect both the ocean and bayside shoreline of our island.

Stormwater System Upgrades
The Village is working with internationally recognized engineering firms to redesign and rebuild our aged and disconnected stormwater drainage system.

Roadway Improvements
The Village will redesign and rebuild roadways to maximize the effectiveness of the stormwater drainage system to reduce flooding while building a streetscape that improves traffic flow, safety, and water quality.

Utility Hardening
The Village is working with Florida Power & Light (FPL), telecommunications, and Miami Dade Water and Sewer District (WASD) to underground the electrical power system and replace aged water and sewer lines.

Regulatory Modernization
The Village is updating its critical policies, building standards, zoning regulations, and ordinances to weave adaptation for resilience into everything we build in the Village.

Main Efforts

PROJECTS:

- Zone 1 Integrated Project
- USACE CSRM Feasibility Study

Supporting Efforts

PROJECTS:

- Garden District Intermediate Stormwater Improvements
- Zone 8 Utility Undergrounding
- Stormwater Pump Generators
- Streetlight Coverage Expansion
- Holiday Colony Flood Mitigation

PROGRAMS:

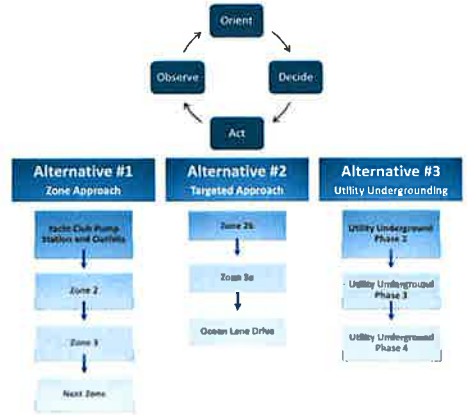
- Annual Stormwater Systems Maintenance & Repair
- Periodic Beach Renourishments

STUDIES:

- Off-Shore Barrier Reef Feasibility Study



Program Assessment



Shaping Efforts

Agreements:

- Easements – Outfalls and Pump Stations
- Joint Powers Authority – WASD and DERM/DTPW

Policies and Legislation:

- Easement incentives
- M-DC water quality standards
- Right of way/private property harmonization
- Utility connections
- County flood criteria adoption
- Freeboard | building height | lot elevation standards
- Impervious materials
- Private property onsite water retention
- Seawalls guidelines
- Bond Repayment Authorization

Permitting:

Program End State

Protected homes and personal property safeguards property values and interest in community investment

Stabilization of insurance costs and increase in insurability

Minimized business disruption and continued economic viability

A growing taxbase that enables infrastructure investment and maintenance

Improvement in resident safety and quality of life

ELEVATING OUR ISLAND PARADISE

RESILIENT INFRASTRUCTURE & ADAPTATION PROGRAM UPDATE

PROJECT STATUS

STATUS	NAME	EST. COST	START	END
	Zone 1 Integrated Project	$87M	Jan 2024	Fall 2028
	Pump Station Emergency Generators	$420K	May 2024	Nov 2025
	Garden District Intermediate Stormwater Improvements	$5.9M	June 2024	Spring 2027
	USACE CSRM Feasibility Study	$2.2M	Dec 2023	Summer 2028
	Zone 8 Utility Undergrounding	TBD	TBD	TBD
	Holiday Colony Flood Mitigation	TBD	TBD	TBD

COMPLETE ON TIME ISSUES PROBLEMS NOT STARTED

RECENT ACHIEVEMENTS

ACTION ITEM	DATE
County Crandon Blvd Stormwater System Inventory, Maintenance and Repair (minus televising)	Sep 2024
Pump Station Emergency Generators Kick-Off Meeting	Nov 2024
Zone 1 Integrated 60% Design Review Meeting	Dec 2024
Bond Repayment Authorization	Dec 2024
Zone 1 Integrated Project 60% Design & Cost Estimate	**Dec 2024**
Village Wide Drainage Assessment	Dec 2024
Impervious Material Ordinance Letter of Intent	Dec 2024

DECISIONS

ACTION ITEM	DATE
375 W. Enid Purchase Consideration	Dec/Jan 2025
Zone 1 Pump Station Placement	Jan 2025
Zone 1 Easement and Outfall Locations – 1/2 Harbor Pt	**Jan 2025**
Utilities Zone 1 or Phase 1	Jan 2025
Utility Residential Connections	Feb 2025
Right-of-Way Harmonization & Driveway Materials	Feb/Mar 2025
BFE+ 2'/3/ | Lot Elevation Standards	Feb/Mar 2025

ISSUES

ACTION ITEM
Permitting (DERM/SFWMD/FDEP) Requirements
Water Quality Requirements
FPL Delays on Undergrounding Design
Undergrounding Construction Phasing
Garden District HMGP Deadline

NEXT STEPS

ACTION ITEM	DATE
Zone 1 Project Staging & Financing	**Jan 2025**
RIAP Overview Video & Podcast	Jan 2025
WASD Design JPA	Jan 2025
Zone 1 60% Special Council Meeting	Jan 2025
Harbor Park Community Meeting	Feb 2025
USACE CSRM Feasibility Study (FWOP Milestone)	Feb/Apr 2025
Holiday Colony Plan Agreement	TBD

1/9/2025

ELEVATING OUR ISLAND PARADISE

Right-of-Way & Private Property Harmonization Requirement and Standards

Purpose:
Specify the harmonization of roadway and right of way improvements needed for the reconstruction of the stormwater drainage system as said improvements relate to private property.

Key Considerations:

- The need and degree to which roadways should be raised has been developed based on comprehensive hydraulic modeling that identifies the expected flooding extent across the Village and factors increases in the groundwater table due to SLR.
- The elevation of roadways requires that the newly constructed roads, being at a higher elevation, be reconciled with the adjacent properties' elevations.
- Where existing driveway aprons have been constructed using different materials (pavers, tiles, stamped concrete, etc.), the construction contractor will be directed to replace those materials with concrete or coordinate with the property owner to determine if the existing material can be salvaged and re-used at the owner's expense.

Right-of-Way & Private Property Harmonization Requirement and Standards

Purpose:
Specify the harmonization of roadway and right of way improvements needed for the reconstruction of the stormwater drainage system as said improvements relate to private property.

Key Considerations:

- There are atypical private features that exist in public ROWs which may be impacted by harmonization (e.g. fences, walls, gates, railings, and landscaping). If the construction documents require the removal, re-installation, or modification of features mentioned, should be done at the owner's expense.
- The intent of harmonization ordinance is to provide a functional direct drainage connection to private property owners as needed to avoid flooding of private property from the public right of way.
- Direct private property connections to the Village's stormwater system are intended as a temporary condition.
- Direct connections will be removed, and no new direct connections will be allowed, once the private properties are redeveloped.

Utility Connection Responsibilities

Purpose:
Specify and provide direction on responsibilities for residential electrical and telecommunication utility connection once said utilities have been converted from above ground to below ground infrastructure assets.

Key Considerations:

- As the stormwater system is being reconstructed to address the present and future street flooding problem, the drainage system will be converted to an actively pumped system requiring a stable power supply.
- Stabilization of the power supplied to future pump stations will be achieved by converting from above ground back of lot poles to below ground front of lot utility service via buried conduits.
- All existing, and rehabilitated structures as well as new construction within Zone 1 and future infrastructure improvement zones including single-family residences, multiple-family dwelling units, hotel and/or time-share units, and commercial properties, will be required to install underground service facilities.

Utility Connection Responsibilities

Purpose:
Specify and provide direction on responsibilities for residential electrical and telecommunication utility connection once said utilities have been converted from above ground to below ground infrastructure assets.

Key Considerations:

- The Village shall notify each property owner when the conversion from overhead to underground utility distribution service is complete and the private property shall be connected to the underground facilities within 90 days after written notification by the Village that the underground facilities are available for connection.
- The property owner shall be responsible for all costs associated with the modification of service facilities on the affected private property to accommodate underground utility service.
- If the required utility connection has not been affected after the notification process, the Village Manager or a designee shall cause the utility connection to be made by the Village at the expense of the property owner.
- The cost of the connection shall constitute a lien upon the real estate served thereby.

Driveway Pervious Material and Standards

Purpose: To clarify existing regulations regarding pervious pavement.

Summary of Code changes:

a) Change from simple description applying to single and two-family home districts to making it a definition.
   a) Why?- Can more easily require pervious pavement in other zoning districts and may more easily amend parameters.

b) Improve description of definition of pervious pavement, including technical requirements.
   a) Why?- Lack of definition in current ordinance creates confusion about what is considered pervious pavement.

c) Have the code apply to driveway renovations as well as new construction.
   a) Why?- We have seen substantial site construction which includes impervious concrete driveways being built because the current code only applies to new building construction.

d) Allow artificial turf between pervious pavement system pavers.
   a) Current code does not allow artificial turf, though turf struggles in high-traffic areas.

Driveway Pervious Material and Standards

What is pervious pavement?

Pavement that lets water through.

Examples:

Pervious Concrete.



Pervious Asphalt



Open jointed pavers



Reinforced turf systems

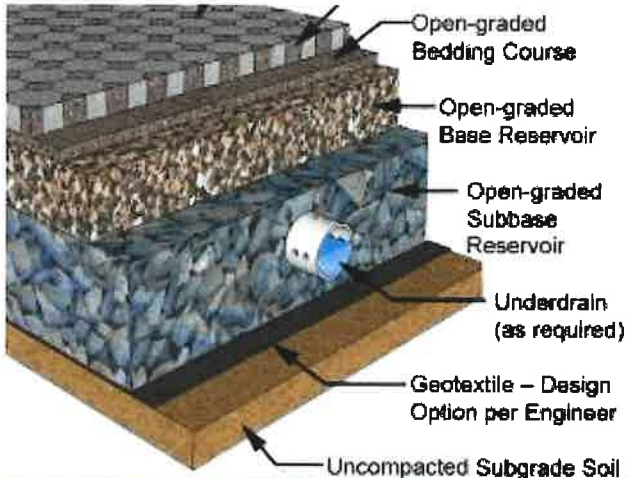




Base which drains consistent component of *all* types:

Current code does not specify that base is *open-graded* or that the soil below is uncompacted.

Open-graded: rocks of the same size have which have gaps.



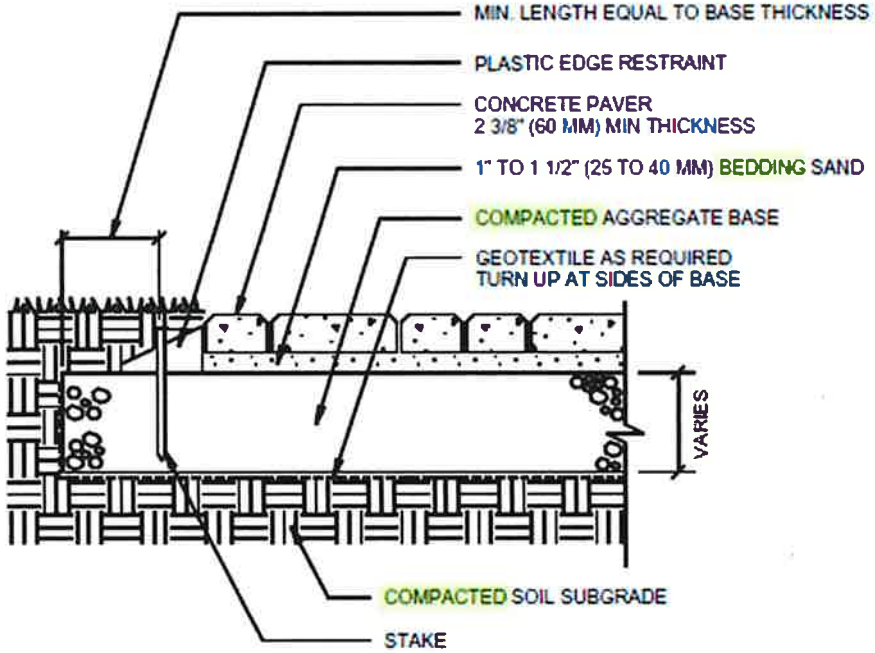
Driveway Pervious Material and Standards

What *isn't* pervious pavement?

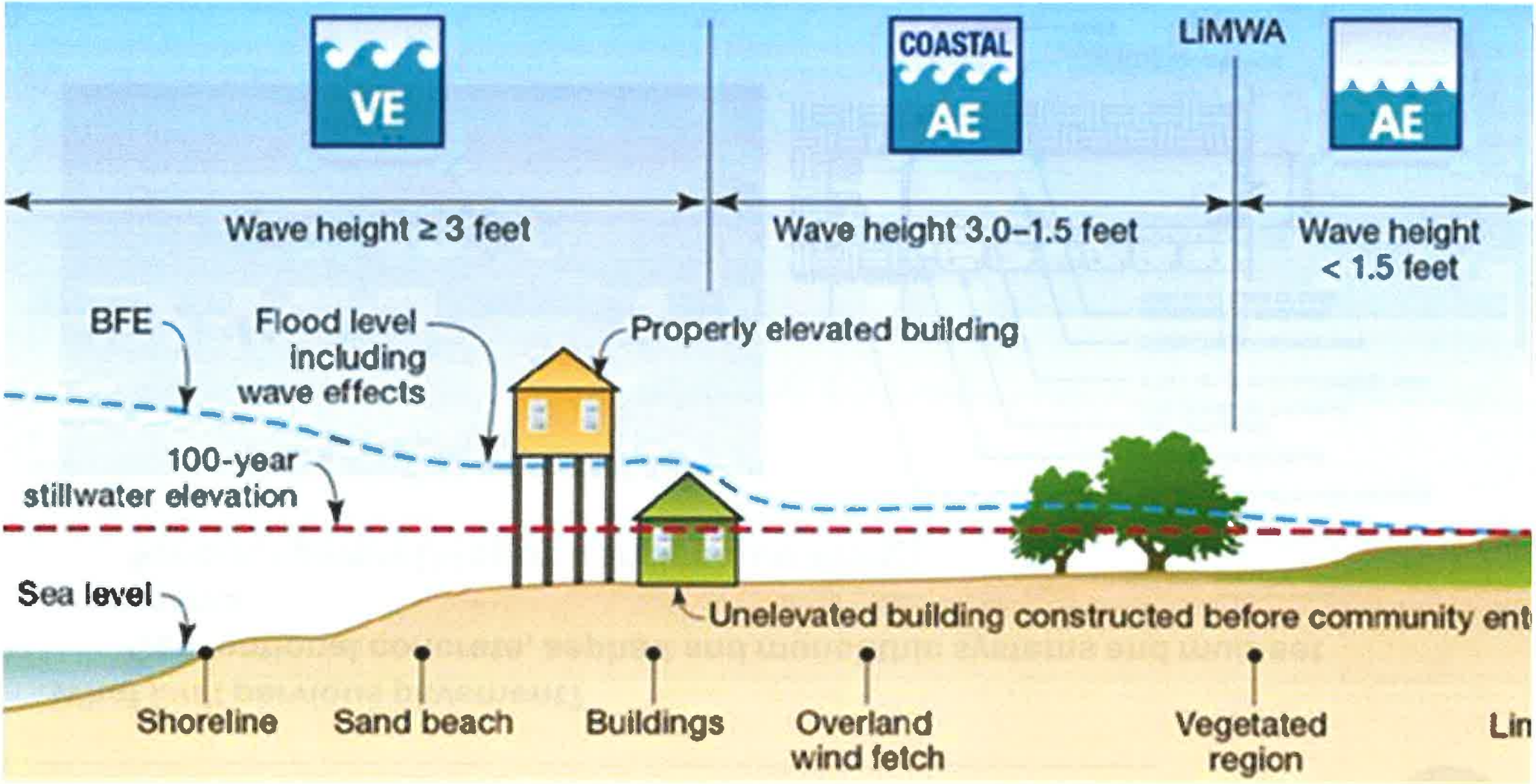
Conventional concrete, asphalt and monolithic systems and mud-set pavements

Sand-set pavers (AI search engines are wrong)

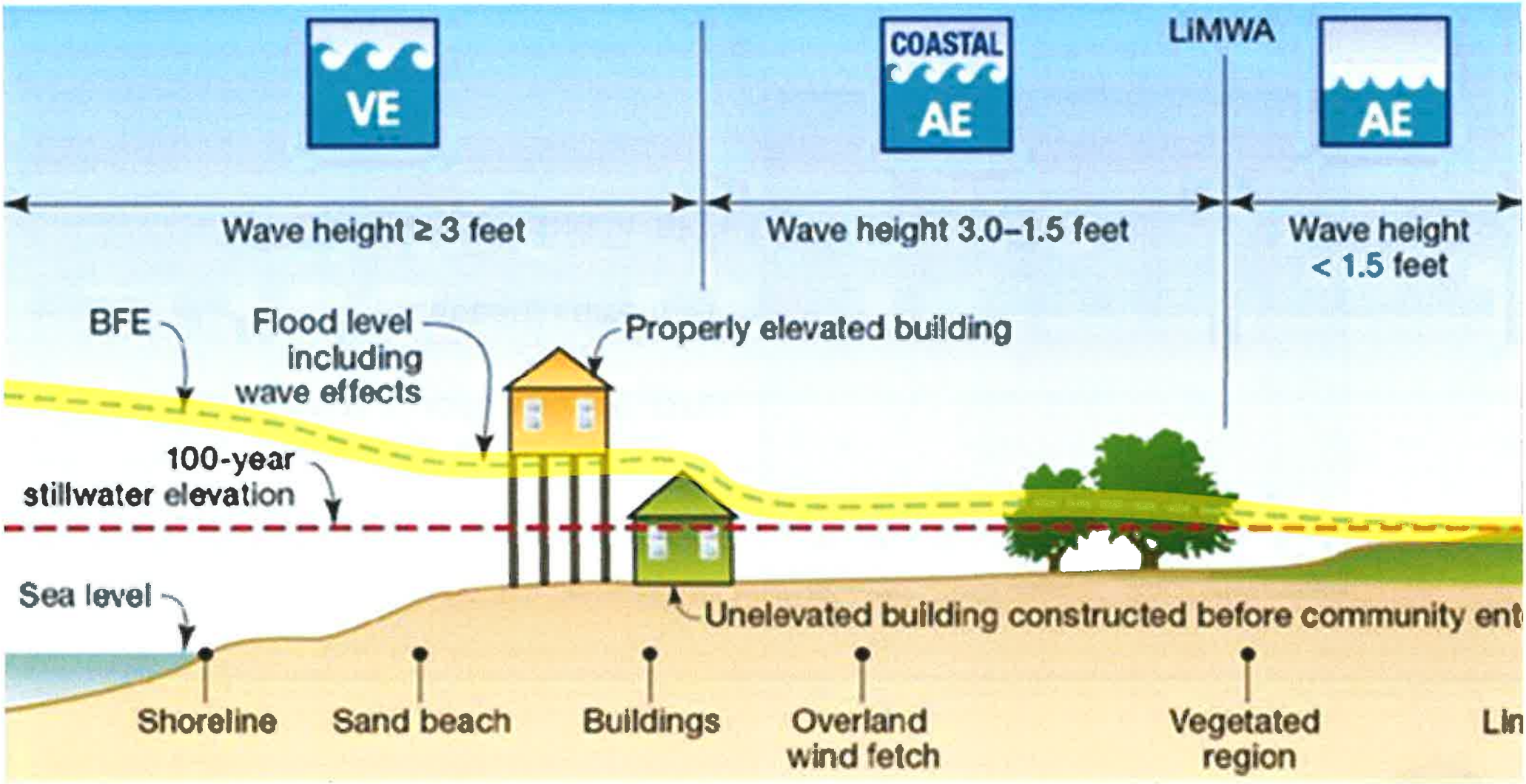




FreeBoard at BFE + 2/3



FreeBoard at BFE + 2/3

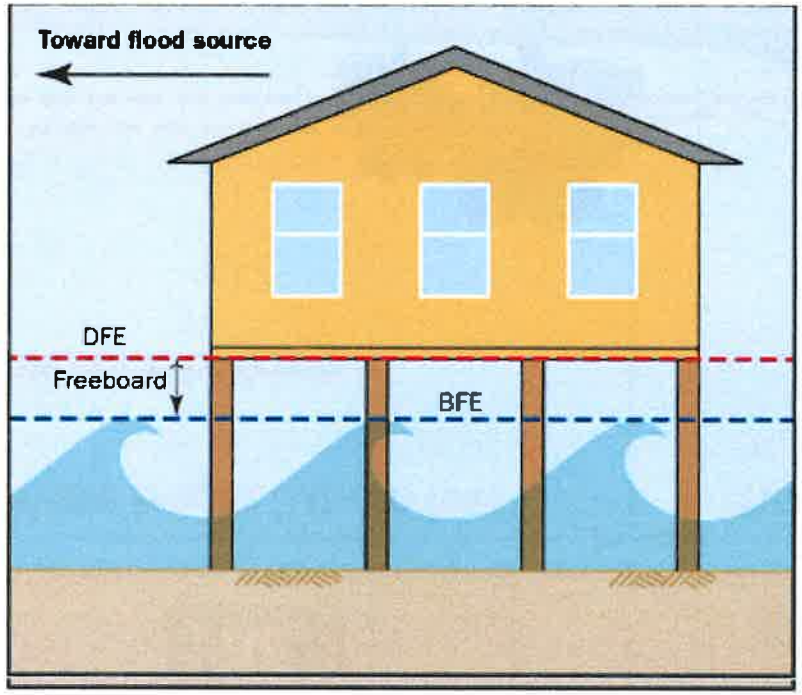


FreeBoard at BFE + 2/3

Design Flood Elevation (DFE)

Freeboard current +1’

Base Flood Elevation (BFE)

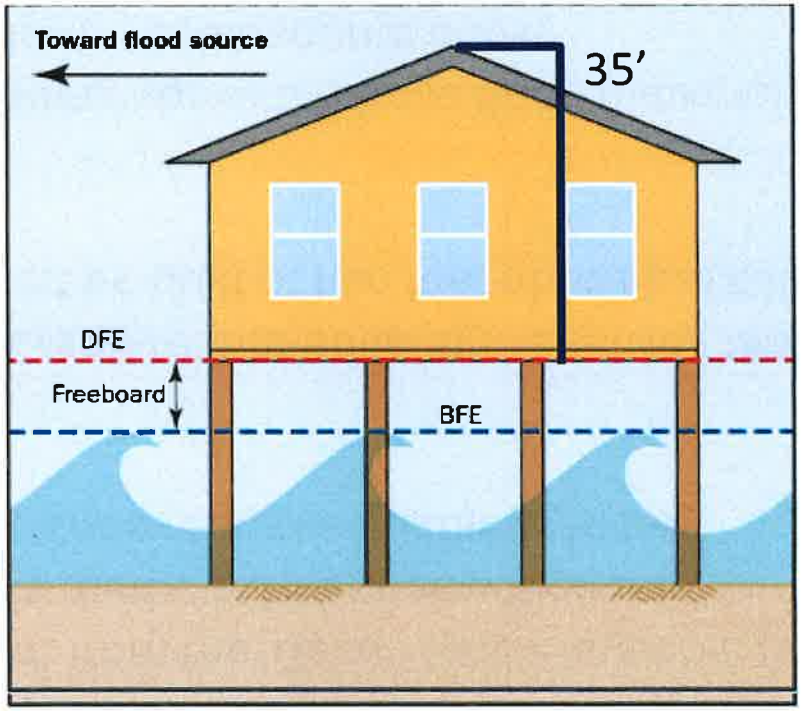


FreeBoard at BFE + 2/3

Design Flood Elevation (DFE)

Freeboard proposed +2’ or +3’?

Base Flood Elevation (BFE)



FreeBoard at BFE + 2/3

Purpose: Consider changing code to require or allow the height of a building to be counted from a higher elevation.

Why?- Current code measures building height from the *Base Flood Elevation,* (in Chapter 30 definition). Sec. 10-73. – "Specific methods of construction and requirements" as well as the Florida Building Code requires buildings to be constructed one foot above base flood.

New HUD regulations and Federal guidelines require that buildings receiving federal funding or federally supported mortgages must be built at two feet above base flood elevation.

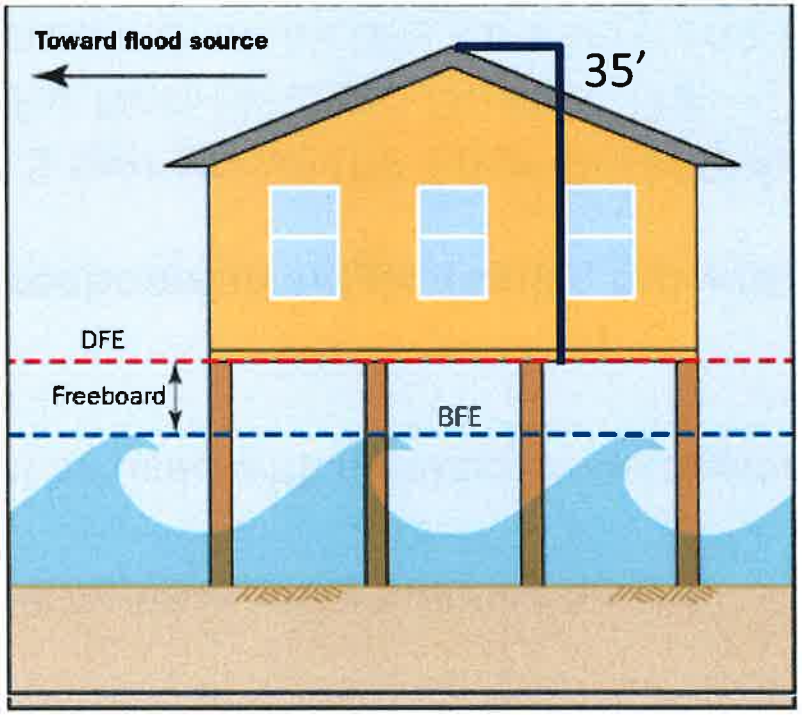
Insurance offers additional discounts for building above the base flood elevation, i.e., potential 30% for building one foot above, additional discounts above.

Building Height

Design Flood Elevation (DFE)

Freeboard proposed +2’ or +3’?

Base Flood Elevation (BFE)



Building Height

Purpose: Adapt Building height regulations as Freeboard regulations change.

Two important implications:

1. Impact regarding overall building height and *impression* of building height.

2. Impact on how ground level of houses will be used with increased overhead clear space.

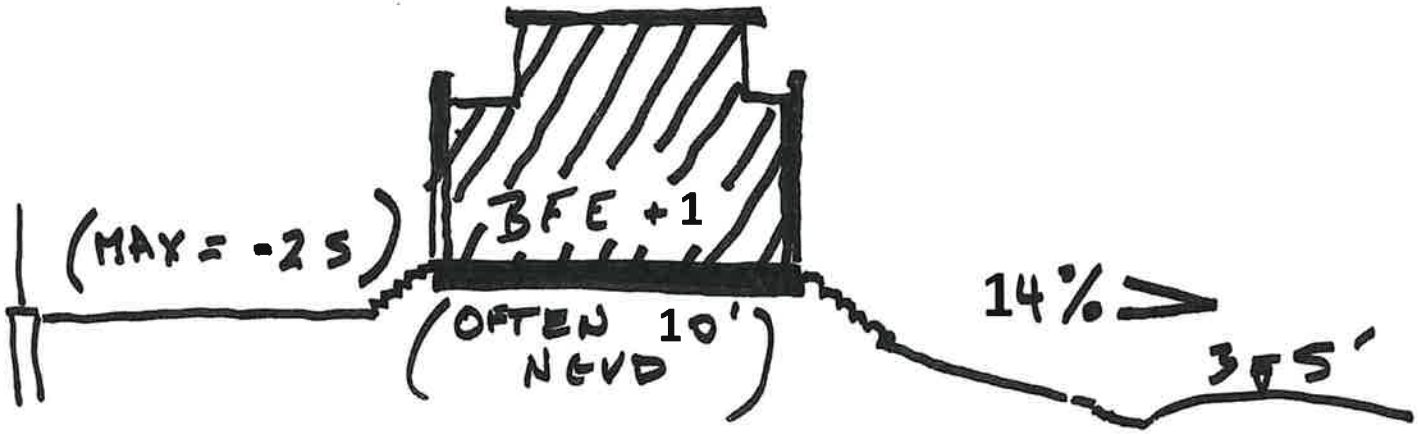
Current code: Allows some flexibility for freeboard in single-family, but with slight penalty:From 30-100 (c)(2)(b).
"The maximum exterior Wall height is 22.5 feet above the Base Flood Elevation for Elevated Homes and the lowest floor for Non-Elevated Homes. The maximum exterior wall height may be increased six-inches for every one-foot that the lowest floor is above Base Flood Elevation not to exceed 24.5 feet."

However, overall maximum height remains at 35' which is why very few people construct above code minimum height.

Site Elevation

Purpose: Consider changing code to adapt site elevation requirements as freeboard regulations change.

Current regulation summary:



Rear lot elevation: BFE +1 - 2.5' maximum, otherwise it counts against lot coverage.

Front lot elevation: based on a 14% slope from the crown of road.

Site Elevation

Purpose: Consider changing code to adapt site elevation requirements as freeboard regulations change.

Propose regulation implications:



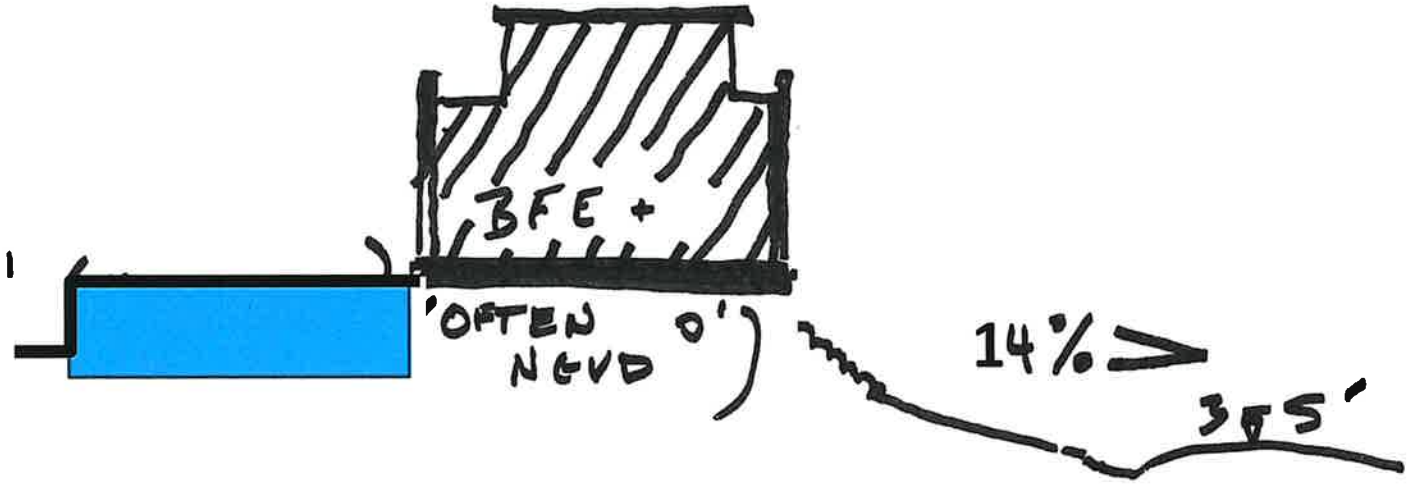
Rear lot elevation: BFE +1 - 2.5' maximum, otherwise it counts against lot coverage.

Front lot elevation: based on a 14% slope from the crown of road.

Site Elevation

Purpose: Consider changing code to adapt site elevation requirements as freeboard regulations change.

Propose regulation implications: ***possible advantages to allowing increased elevation***



Rear lot elevation: BFE +1 - 2.5' maximum, otherwise it counts against lot coverage.

Front lot elevation: based on a 14% slope from the crown of road.

Village Rickenbacker Causeway Priorities

Purpose: Discuss and identify the Village's priorities for the Rickenbacker Causeway

Priorities Approved by Council in August 2022:

1. **Improve vehicular traffic flow** – create better and safer throughput and improve the traffic management of events on Virginia Key. Support emergency transport and evacuation route requirements
2. **Enhance connections and access** – improve intersections and access to existing and proposed destinations, venues and events to reduce traffic congestion and improve safety
3. **Separate bicycle and pedestrian traffic** – create a physical separation between vehicle traffic and bicycle and pedestrian recreational use
4. **Integrate with concurrent planning efforts** - coordinate planning and implementation with Rickenbacker Causeway Master Plan (M-DC), Bear Cut Bridge Rehab & Replacement (M-DC), Virginia Key Master Plan (CoM), Hobie Beach improvements (M-DC), Crandon Park improvement (M-DC), and any current or planned roadway construction (FDOT and M-DC)
5. **Address resiliency** – design for sea-level rise and increased storm surge from more frequent and severe storms to protect critical infrastructure and enable the ability to effectivity recover
6. **Create partnerships** – work closely with FDOT, Miami-Dade County, City of Miami, other key stakeholders and the VKB community
7. **Ensure accountability** – develop a guiding plan and sustainable stakeholder governance, funding, and operations and maintenance structure

Do We Want to Be More Prescriptive?

1.
2.
3.
4.
5.
6.
7.

CIP Update

VKB FY25 Capital Improvement Program

1/8/2025

Project Status			
Complete	On Target	Issues	Problems

Total Active Projects
31

Not Started	Planning	Procurement	Design	Permitting	Construction	Complete
6	7	6	6	4	1	1

		PHASE	SCHEDULE				FY25 Budget			FY2025													
PRI	Project	Project Phase	ESD	ASD	ECD	ACD	Budget	Remaining	Percent Spent/ Encumbered	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	Design Zone 1	Design		Aug-22	May-25		$ 5,955,423	$ 3,479,827	42%														
1	Construct Zone 1	Permitting	Jan-25		Jan-28		$ 13,500,000	$ 13,500,000	0%														
1	Program Management for RI&AP	Planning		Jul-22	Sep-28		$ 1,215,000	$ 296,806	76%														
1	Replace Fire Rescue Truck	Procurement		Oct-24	Mar-25		$ 430,577	$ -	100%														
1	Underground Utilities	Design		Jan-24	Jan-28		$ 15,000,000	$ 15,000,000	0%														
2	Conduct USACE Back Bay and Beach Feasibility Study	Planning		Dec-23	Oct-26		$ 987,500	$ 437,500	56%														
2	Improve Streetlight Coverage	Planning		Dec-24	Jan-26		$ 250,000	$ 250,000	0%														
2	Install Splashpad Surfacing	Complete		Nov-24		Dec-24	$ 50,000	$ 15,130	70%														
2	Replace Fire Rescue Trucks 1 & 2	Procurement		Oct-24	Jan-26		$ 1,200,000	$ 27,618	98%														
2	Repave Harbor Drive	Design		Nov-24	Nov-25		$ 2,150,000	$ 2,150,000	0%														
3	Village Wide Security and Surveillance System - Beach Cameras	Procurement	Feb-25		Jul-25		$ 90,000																
3	Install Pump Station Back-up Generators	Design		Oct-23	Dec-25		$ 419,110	$ 0	100%														
3	Install Turf at St. Agnes Field	Procurement		May-24	Jul-25		$ 1,700,000	$ 1,700,000	0%														
3	Replace Fire Cardiac Monitors	Not Started	Jun-25		Mar-25		$ 167,423	$ 167,423	0%														
3	Replace Police Vehicles	Procurement		Oct-24	Jan-25		$ 360,390	$ 1,884	99%														
3	Repave Roadways Village-wide	Planning		Dec-24	Nov-25		$ 550,000	$ 550,000	0%														
4	Improve Garden District Drainage	Design		Oct-24	Dec-25		$ 5,951,902	$ 5,730,733	4%														
4	Rehab Public Art	Procurement		Jun-24	Apr-25		$ 143,141	$ 143,141	0%														
4	Renovate Fire Station Women's Locker Room	Construction		Dec-22	Jan-25		$ 118,000	$ -	100%														
5	Design Offshore Hybrid Reef	Not Started	Jun-25		Jan-27		$ 1,000,000	$ 1,000,000	0%														
5	Improve Key Biscayne K-8 Center School Athletic Facilities	Permitting		Jul-24	Aug-25		$ 105,000	$ 97,500	7%														
5	Replace HVACs	Not Started		Jan-25	Jul-25		$ 250,000	$ 250,000	0%														
6	Renovate Building Department Customer Service Areas	Design		Dec-23	Oct-25		$ 465,506	$ 444,718	4%														
6	Improve Beach Park Phase 1	Planning		Sep-22	Jan-26		$ 1,080,000	$ 1,066,432	1%														
6	Renovate Dog Park	Not Started	Mar-25		Feb-26		$ 75,000	$ 75,000	0%														
6	Replace Under 5 Playground	Permitting		Jan-24	Jun-25		$ 200,000	$ 200,000	0%														
6	Renovate Council Chambers as Community Theater	Permitting		Jun-24	Jul-25		$ 236,400	$ 236,400	0%														
7	Improve North Public Beach Access Path	Planning	Dec-24		Dec-25		$ 120,000	$ 120,000	0%														
7	Rehab Monaco Fountain Plaza	Planning	Nov-24		Aug-25		$ 275,000	$ 275,000	0%														
7	Install Electrical Outlets Along Crandon Blvd South	Not Started	Mar-25		Nov-25		$ 200,000	$ 200,000	0%														
8	Paint Community Center Garage and Exterior	Not Started	Jun-25		Sep-25		$ 85,000	$ 85,000	0%														
							$ 54,330,372	$ 47,500,112	12%														

CIP Update

Splashpad Safety Surfacing

Total Budget: $50,000

Spent to date: $34,870

Status: Complete

Project Description: Safety surfacing required by Department of Health was installed for the splashpad at beach park. Project was completed in December 2024



CIP Update

Improve Public Art

Total Budget: $143,141

Spent to date: $0

Status: Construction

Project Description: The Bedia Plazas, designed by artist José Bedia, were installed along Crandon Boulevard in 2008 and 2009. In 2022, five of the most severely damaged plazas were successfully repaired. This phase of the project focuses on improving the remaining eight plazas. The project is currently underway, with materials on order and substantial work scheduled to begin in early February.



Mariposa (Butterfly) Plaza
Phase I, Bedia Project
(Photo © 2011 Steven Brooke Studios)

CIP Update

Fire Station Women's Locker Room Renovation

Total Budget: $118,000

Spent to date: $81,850

Status: Construction

Project Description: The women's locker room at the fire station is being upgraded to match the standards and quality of the men's locker room. Previously, the locker room had ongoing issues with water leakage, which affected the ceiling of the apparatus room below. This project resolved those problems by completely gutting and renovating the space. The upgrades include new showers, bathroom stalls, cabinets, sinks, countertops, lighting, and tile. The project is on track for completion by the end of January 2025.



CIP Update

Repave Harbor Drive

Total Budget: $2,150,000

Spent to date: $0

Status: Design

Project Description: Harbor Drive, a vital roadway and evacuation route, is undergoing a repaving project. The Village Council has approved a work order with the Corradino Group for design, and a Joint Partnership Agreement (JPA) with Miami-Dade County will secure Road Impact Fee (RIF) funding for improvements from Crandon Boulevard to Mashta Circle. The project includes milling and resurfacing, correcting slopes, reconstructing roundabouts, curbing, and chicanes, and modifying the section between Fernwood Road and Crandon Boulevard for better traffic flow. The design phase, expected to take 16 weeks, will include a cost estimate to finalize the JPA.



Harbor Drive Project Area

CIP Update

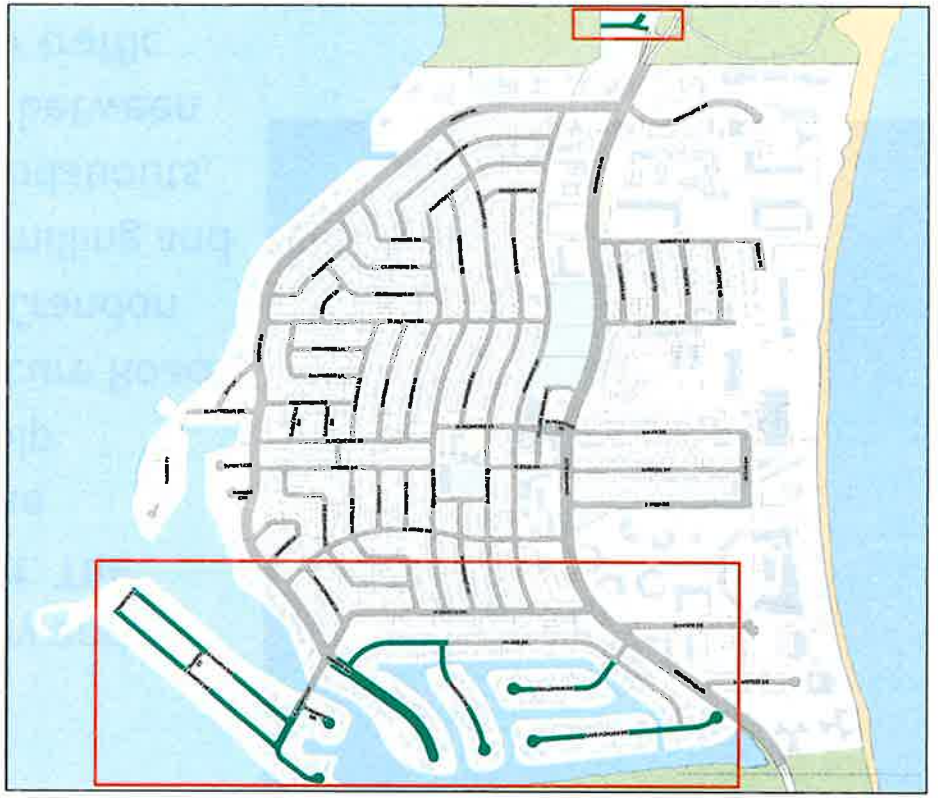
Repave Roadways Village-wide

Total Budget: $550,000

Spent to date: $0

Status: Planning

Project Description: The project scope covers approximately 2.4 miles of milling and resurfacing work within the Village and at Calusa Park. In the Village, the scope includes Mashta Island, Harbor Drive (south of Mashta Circle), Mariner Drive, Knollwood Drive, and Cape Florida Drive. These areas were prioritized based on their current Pavement Condition Index (PCI) scores and alignment with planned future capital projects scheduled over the next three years throughout the Village.



CIP Update

Improve Key Biscayne K-8 Center School Athletic Facilities

Total Budget: $105,000

Spent to date: $7,500

Status: Permitting

Project Description: The Village is collaborating with Miami-Dade County Schools to enhance outdoor recreation areas at Key Biscayne K-8 Center. The project includes resurfacing and painting basketball courts, as well as installing four adjustable basketball systems. Surveys, underground locates, and soil borings were completed on January 3, 2025. Permitting with Miami-Dade County Schools is underway, with construction planned for summer to ensure completion before the new school year.



CIP Update

Renovate Council Chambers as Community Theater

Total Budget: $236,400

Spent to date: $0

Status: Permitting

Project Description: The Council Chambers renovation aims to transform the space into a high-quality community theater. The design-build project was awarded under budget at $184,702. Design work is complete, and the project is in the permitting phase. The Village is finalizing choices for a projector and seating, which may increase costs but will remain within the original CIP budget. Completion is expected by July 2025.



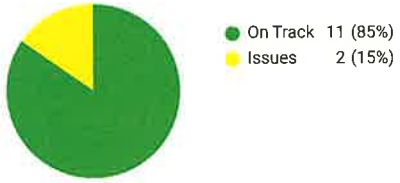
FOCUS AREA - COMMUNITY SAFETY

Community safety is essential to the well-being of the village. We aim to keep our residents safe and secure through increased police presence and vigilance, proactively preventing fires and ensuring building safety, improving emergency medical services, and professionally managing emergency incidents.

Lead: Police

Assist: Fire Rescue & BZP

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Update Hurricane and Incident Response Plan	On Track	12/01/2024	03/31/2025	Community Safety, P1	Move from baseline of 0% to target of 100%	100%	25%
Train and exercise Incident Management Team for multiple response scenarios	On Track	02/01/2025	05/31/2025	Community Safety, P1	Move from baseline of 0 to target of 2	2	0
Install security cameras and license plate readers along roadways, in parks, and on beach access pathways	On Track	10/01/2024	06/30/2025	CIP, Community Safety, Council, P3	Move from baseline of 0 to target of 5	5	3
Install facility security systems	Issues	10/01/2024	06/30/2025	Community Safety, Council, P3	Move from baseline of 0 to target of 3	3	2
Improve construction site safety, noise and maintenance	On Track	10/01/2024	09/30/2025	Community Safety, P4			
Enhance Police presence, engagement and effectiveness	On Track	10/01/2024	09/30/2025	Community Safety, P1			
Enforce building recertification and safety compliance	Issues	10/01/2024	12/31/2025	Community Safety, P2	Move from baseline of 0 to target of 40	40	18
Conduct Police Department community engagement events and open-houses	On Track	10/01/2024	09/30/2025	Community Safety, P3	Move from baseline of 0 to target of 120	120	40
Conduct Fire Department community engagement events and open-houses	On Track	10/01/2024	09/30/2025	Community Safety	Move from baseline of 0 to target of 24	24	20
Complete annual fire prevention inspections on all multi-family residences	On Track	10/01/2024	09/30/2025	Community Safety, P2	Move from baseline of 0 to target of 75	75	20
Complete annual fire prevention inspections on 100% of commercial occupancies over 3-year period (FY 23-25)	On Track	10/01/2023	09/30/2026	Community Safety, P2	Move from baseline of 0 to target of 360	360	301

Advance engineer life safety plans for buildings higher than 75 feet	On Track	10/01/2024	09/30/2026	Community Safety, P2	Move from baseline of 0 to target of 14	14	6
Acquire three (3) fire rescue trucks	On Track	10/01/2024	06/30/2026	CIP, Community Safety, Council, P1	Move from baseline of 0 to target of 3	3	0

Conduct Fire Department community engagement events and open-houses



Last updated on 08/31/2024

Move from baseline of 0 to target of 12

Update Hurricane and Incident Response Plan



Last updated on 12/20/2024

Move from baseline of 0% to target of 100%

Conduct Police Department community engagement events and open-houses



Last updated on 01/02/2025

Move from baseline of 0 to target of 120

Enforce building recertification and safety compliance

Last updated on 12/17/2024

Move from baseline of 0 to target of 40

Complete annual fire prevention inspections on all multi-family residences



Last updated on 12/20/2024

Move from baseline of 0 to target of 75

Complete annual fire prevention inspections on 100% of commercial occupancies over 3-year period (FY 23-25)



Last updated on 12/20/2024

Move from baseline of 0 to

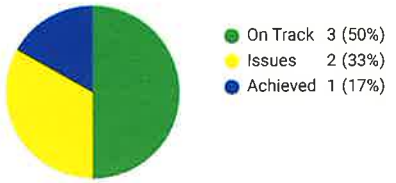
FOCUS AREA - SAFE STREETS

With 15,000 residents in one square mile, street safety is a major quality of life concern. We aim to create a more walkable and bikeable community that safely integrates with our roadways and sidewalks. We will strictly enforce our traffic laws for vehicles and multi-modal devices while improving streetlight coverage.

Lead: Police

Assist: Public Works and Planning

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Improve village-wide streetlight coverage and maintenance	Issues	10/01/2024	09/30/2026	CIP, Council, P1, Safe Streets	Move from baseline of 0 to target of 464	464	0
Improve golf cart, motorized scooters and electric bicycle safety	On Track	10/01/2024	09/30/2025	Council, P2, Safe Streets	Stay below target of 40	40	10
Enforce traffic laws	On Track	10/01/2024	09/30/2025	P2, Safe Streets	Stay above baseline of 0	N/A	437
Acquire six (6) new Police vehicles	Achieved	10/01/2024	03/30/2025	CIP, Council, P3, Safe Streets	Move from baseline of 0 to target of 6	6	6
Improve Crandon Blvd intersections and crosswalks	Issues	10/01/2024	09/30/2025	CIP, Council, P3, Safe Streets	Move from baseline of 0 to target of 4	4	0
Install school speed zone cameras on Harbor Drive	On Track	10/01/2024	03/31/2025	P3, Safe Streets	Move from baseline of 0% to target of 100%	100%	60%

Install school speed zone cameras on Harbor Drive



Last updated on 01/02/2025

Move from baseline of 0% to target of 100%

Improve village-wide streetlight coverage and maintenance



Last updated on 01/07/2025

Move from baseline of 0 to target of 464

Improve golf cart, motorized scooters and electric bicycle safety



Last updated on 01/02/2025

Stay below target of 40

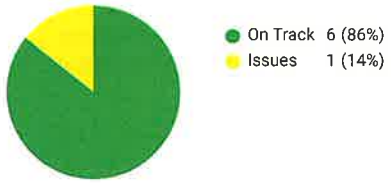
FOCUS AREA - SHAPE/MAINTAIN VILLAGE CHARACTER

As we continually aspire to achieve our vision of a safe, vibrant and thriving Island Paradise with a unique and enduring village ambiance and lifestyle, we must intentionally pursue imaginative yet pragmatic ways to ensure smart development, preserve neighborhoods and improve community resilience. Through thoughtful initiatives, we will enhance streetscapes, improve our civic realm, grow our tree canopy, maintain and add public art, and ensure our residential, commercial and institutional districts reflect our residents' expectations and enhance their quality of life

Lead: Building, Zoning and Planning Director

Assist: Public Works

Status



Supporting Actions

Name	Status	Start Date	Due Date	Metric Description	Tags	Target	Current Value
Maintain and grow the village's tree cover	On Track	10/01/2024	09/30/2025	Move from baseline of 0 to target of 150	Council, Shape Village Character	150	0
Refine and enforce resilience and sustainability regulations	On Track	10/01/2024	09/30/2025	Move from baseline of 0 to target of 9	Council, P2, Shape Village Character	9	4
Refine and enforce smart development regulations	On Track	10/01/2024	09/30/2025	Move from baseline of 0 to target of 9	Council, P3, Shape Village Character	9	5
Repair and maintain Art in Public Places	On Track	10/01/2024	02/28/2025	Move from baseline of 0 to target of 9	CIP, Council, P3, Shape Village Character	9	7
Restructure and update Comprehensive Plan	[illegible]	10/01/2024	09/30/2025	Move from baseline of 0 to target of 2	Council, P5, Shape Village Character	2	0
Refine and enforce residential zoning regulations	On Track	10/01/2024	09/30/2025	Move from baseline of 0 to target of 5	Council, P3, Shape Village Character	5	1
Implement KB Clean program in commercial and institutions districts	On Track	10/01/2024	06/30/2025	Move from baseline of 0 to target of 7	P4, Shape Village Character	7	2

Maintain and grow the village's tree cover



Last updated on 01/07/2025

Move from baseline of 0 to target of 150

Refine and enforce resilience and sustainability regulations



Last updated on 12/17/2024

Move from baseline of 0 to target of 9

Refine and enforce smart development regulations



Last updated on 12/17/2024

Move from baseline of 0 to target of 9

Repair and maintain Art in Public Places



Last updated on 12/17/2024

Move from baseline of 0 to target of 9

Refine and enforce residential zoning regulations



Last updated on 12/20/2024

Move from baseline of 0 to target of 5

Implement KB Clean program in commercial and institutions districts



Last updated on 12/20/2024

Move from baseline of 0 to target of 7

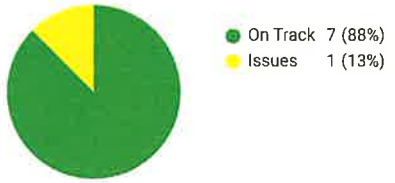
FOCUS AREA - PROGRAMS & EVENTS

Our programs and events are what make Key Biscayne special and unique. Our residents and staff join together to offer active, engaging and diverse programming for all ages. We are concentrating on teen, special needs and seniors programming; continuing to improve our athletic programs; engaging with community organizations to provide resident driven cultural, arts and educational activities; and offering community loved holiday and special events. We will also guide the design, construction and programming of our new branch library. For all our programs and events, we will protect the safety and well-being of all participants.

Lead: Parks, Recreation and Open Spaces Director

Assist: Communications

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Develop comprehensive vetting policy & procedures for employees, contractors and volunteers	On Track	10/01/2024	03/31/2025	P1, Programs & Events	Move from baseline of 0 to target of 250	250	579
Enhance teen programming	On Track	10/01/2024	09/30/2025	P3, Programs & Events	Move from baseline of 0 to target of 24	24	2
Enhance special needs programming	On Track	10/01/2024	09/30/2025	P2, Programs & Events	Move from baseline of 0 to target of 4	4	1
Manage senior programming	On Track	10/01/2024	09/30/2025	P2, Programs & Events	Move from baseline of 0 to target of 200	200	52
Improve sports management, equipment, promotion and support	On Track	10/01/2024	09/30/2025	P2, Programs & Events	Stay between baseline of 62% and target of 78%	78%	70%
Support, schedule and promote Village community programs and events	On Track	10/01/2024	04/15/2025	Council, P3, Programs & Events	Move from baseline of 0 to target of 25	25	7
Synchronize community organizations' program and events	On Track	10/01/2024	04/15/2025	Programs & Events			
Partner with M-DCPL System to design, construct and program new branch library	[illegible]	10/01/2024	06/30/202	Council, P3, Programs &	Move from baseline of	100%	30%

Develop comprehensive vetting policy & procedures for employees, contractors and volunteers



Last updated on 12/13/2024

Move from baseline of 0 to target of 250

Enhance teen programming



Last updated on 12/16/2024

Move from baseline of 0 to target of 24

Enhance special needs programming



Last updated on 12/16/2024

Move from baseline of 0 to target of 4

Manage senior programming



Last updated on 12/16/2024

Move from baseline of 0 to target of 200

Improve sports management, equipment, promotion and support



Last updated on 12/16/2024

Stay between baseline of 62% and target of 78%

Support, schedule and promote Village community programs and events



Last updated on 12/16/2024

Move from baseline of 0 to target of 25

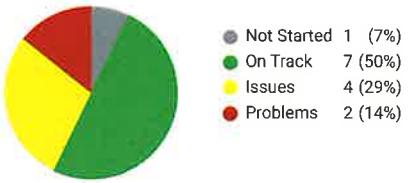
FOCUS AREA - ATHLETIC FIELDS, PARKS AND BEACH

Parks, recreational facilities and open spaces are the heartbeat of our community. They are refuges from daily life and provide much needed recreational, leisure and wellness activities. The deliberate management, maintenance and construction of existing and new assets are essential in providing an accessible, enjoyable and safe environment.

Lead: Parks, Recreation and Open Spaces Director

Assist: Public Works

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Maintain athletic fields: St Agnes, KBK8, MAST, Village Green, Harbor Park	On Track	10/01/2024	09/30/2025	Athletic Fields, Parks & Beach, P1	Move from baseline of 0 to target of 5	5	4.5
Install artificial turf on St Agnes Academy Field	On Track	10/01/2024	08/11/2025	Athletic Fields, Parks & Beach, CIP, Council, P1	Move from baseline of 0% to target of 100%	100%	30%
Create a recreation facility and park usage and programming guide	Issues	10/01/2024	01/31/2025	Athletic Fields, Parks & Beach, Council, P2	Move from baseline of 0% to target of 100%	100%	20%
Engage with City of Miami for Virginia Key field space	Problems	10/01/2024	09/30/2026	Athletic Fields, Parks & Beach, CIP, Council, P3	Move from baseline of 0 to target of 1	1	0
Create a swim water quality notification procedure	On Track	10/01/2024	06/30/2025	Athletic Fields, Parks & Beach, P3	Move from baseline of 0% to target of 100%	100%	12%
Repair KBK8 basketball courts	Issues	10/01/2024	08/10/2025	Athletic Fields, Parks & Beach, CIP, Council, P4	Move from baseline of 0% to target of 100%	100%	35%
Rehab Community Center	Issues	10/01/2024	09/30/2025	Athletic Fields, Parks & Beach, CIP, Council, P3	Move from baseline of 0 to target of 6	6	0
Rehab Dog Park	Not Started	10/01/2024	09/30/2025	Athletic Fields, Parks & Beach, CIP, Council, P3	Move from baseline of 0% to target of 100%	100%	5%
Build community theater in Village Council Chambers	On Track	10/01/2024	01/28/2025	Athletic Fields, Parks & Beach, CIP, Council, P3	Move from baseline of 0% to target of 100%	100%	30%
Complete three (3) agreements and three (3) beach access pathways	Issues	10/01/2024	12/31/2025	Athletic Fields, Parks & Beach, CIP, Council, P2	Move from baseline of 0 to target of 6	6	4
Install new under 5-years Village Green playground	On Track	10/01/2024	03/31/2025	Athletic Fields, Parks & Beach, CIP, Council, P3	Move from baseline of 0% to target of 100%	100%	50%

Maintain beach and its ecosystem	On Track	10/01/2024	09/30/2025	Athletic Fields, Parks & Beach, P3			
Install lights at Calusa Park multi-purpose courts	On Track	10/01/2024	09/30/2026	Athletic Fields, Parks & Beach, CIP, Council, P4	Move from baseline of 0% to target of 100%	100%	20%
Repair Beach Park pavilion	Problems	10/01/2024	12/31/2025	Athletic Fields, Parks & Beach, CIP, Council, P4	Move from baseline of 0% to target of 100%	100%	0%

Install artificial turf on St Agnes Academy Field



Last updated on 12/16/2024

Move from baseline of 0% to target of 100%

Maintain athletic fields: St Agnes, KBK8, MAST, Village Green, Harbor Park



Last updated on 12/16/2024

Move from baseline of 0 to target of 5

Create a recreation facility and park usage and programming guide



Last updated on 12/16/2024

Move from baseline of 0% to target of 100%

Install new under 5-years Village Green playground



Last updated on 12/16/2024

Move from baseline of 0% to target of 100%

Repair KBK8 basketball courts



Last updated on 12/16/2024

Move from baseline of 0% to target of 100%

Engage with City of Miami for Virginia Key field space



Last updated on 12/16/2024

Move from baseline of 0 to target of 1

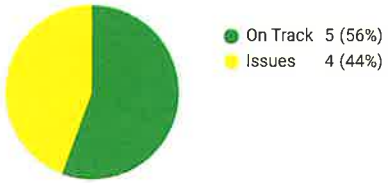
FOCUS AREA - TRAFFIC

Traffic congestion affects our residents' daily lives. On weekends, we face significant visitor- and event-traffic at adjacent parks and events on Virginia Key. We will focus on traffic choke points in the village; enhance coordination with the State, Miami-Dade County and the City of Miami; while collecting and analyzing traffic data for the entire corridor to better understand trends and inform coordination, communications and infrastructure solutions.

Lead: Chief of Staff

Assist: Police, Public Works, and Planning

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Coordinate and communicate during traffic events	On Track	10/01/2024	09/30/2025	P1, Traffic	Stay between baseline of 0 and target of 5	5	3
Conduct Rickenbacker Causeway-Crandon Blvd corridor traffic data analysis	On Track	10/01/2024	09/30/2025	Council, P1, Traffic	Move from baseline of 0% to target of 100%	100%	5%
Partner with M-DC to improve traffic mobility and safety along Rickenbacker Causeway	Issues	10/01/2024	12/31/2024	P2, Traffic	Move from baseline of 0% to target of 100%	100%	60%
Resurface Harbor Dr to improve traffic mobility and safety	On Track	10/01/2024	12/31/2025	CIP, Council, P2, Traffic	Move from baseline of 0% to target of 100%	100%	10%
Synchronize Crandon Blvd traffic signalization	Issues	10/01/2024	04/30/2025	P3, Traffic	Move from baseline of 0% to target of 100%	100%	25%
Partner with M-DC to rehabilitate Bear Cut Bridge	On Track	10/01/2024	06/30/2025	P3, Traffic	Move from baseline of 0% to target of 100%	100%	100%
Partner with M-DC on replace Bear Cut Bridge	Issues	10/01/2024	12/31/2026	P3, Traffic	Move from baseline of 0% to target of 100%	100%	5%
Repave roadways to maintain 85 pavement-condition index	On Track	10/01/2024	07/31/2025	CIP, Council, P3, Traffic	Move from baseline of 0 to target of 7	7	0
Right size Freebee/transit fleet	Issues	10/01/2024	09/30/2025	P4, Traffic	Move from baseline of 0 to target of 120,000	120,000	0

Coordinate and communicate during traffic events



Last updated on 01/02/2025

Stay between baseline of 0 and target of 5

Conduct Rickenbacker Causeway-Crandon Blvd corridor traffic data analysis



Last updated on 01/02/2025

Move from baseline of 0% to target of 100%

Partner with M-DC to improve traffic mobility and safety along Rickenbacker Causeway

Last updated on 12/20/2024

Move from baseline of 0% to target of 100%

Synchronize Crandon Blvd traffic signalization

Last updated on 01/07/2025

Move from baseline of 0% to target of 100%

Partner with M-DC to rehabilitate Bear Cut Bridge



Last updated on 12/20/2024

Move from baseline of 0% to target of 100%

Partner with M-DC on replace Bear Cut Bridge



Last updated on 12/20/2024

Move from baseline of 0% to target of 100%

FOCUS AREA - FLOODING

Flooding drastically impacts our village through rain, tides, and ground water and sea-level rising. We face the added threat of storm surge due to more frequent and severe storms. We will address these challenges through the comprehensive Resilient Infrastructure and Adaptation Program, the US Army Corps of Engineers Coastal Storm Risk Management Feasibility Study, and more focused maintenance and repair of our existing roadways and stormwater systems.

Lead: Chief Resilience Officer

Assist: Public Works and BZP

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Design Zone 1 integrated stormwater, roadway and utility project	On Track	10/01/2024	04/30/2025	CIP, Council, Flooding, P1	Move from baseline of 0% to target of 100%	100%	60%
Acquire easements/property for resilient infrastructure	On Track	10/01/2024	02/28/2025	CIP, Council, Flooding, P1	Stay between baseline of 0 and target of 5	5	4
Construct Zone 1 integrated stormwater, roadway and utility project	Not Started	05/31/2025	12/31/2027	CIP, Council, Flooding, P2	Move from baseline of 0% to target of 100%	100%	0%
Partner with USACE on Beach and Back-Bay Feasibility Study	On Track	10/01/2024	04/30/2025	CIP, Council, Flooding, P1	Move from baseline of 0% to target of 100%	100%	50%
Improve National Flood Insurance Program Community Rating System from 8 to 6	Issues	10/01/2024	03/31/2025	Council, Flooding, P3	Move from baseline of 0% to target of 100%	100%	75%
Design and Construct Garden District Flood Reduction	Issues	10/01/2024	12/31/2025	CIP, Council, Flooding, P2	Move from baseline of 0% to target of 100%	100%	25%
Coordinate with M-DC to maintain and repair Crandon Blvd stormwater system	On Track	10/01/2024	03/31/2025	Flooding, P4	Move from baseline of 0% to target of 100%	100%	50%
Modify zoning regulations to designate necessary building elevations and heights	On Track	10/01/2024	09/30/2025	Council, Flooding, P4	Move from baseline of 0 to target of 3	3	0
Perform oceanside offshore barrier reef feasibility study	Issues	10/01/2024	09/30/2025	CIP, Council, Flooding, P3	Move from baseline of 0% to target of 100%	100%	5%
Enact tidal flood barrier ordinance	Issues	01/06/2025	12/31/2025	Council, Flooding, P5	Move from baseline of 0% to target of 100%	100%	75%

Design Zone 1 integrated stormwater, roadway and utility project



Last updated on 01/06/2025
Move from baseline of 0% to target of 100%

Partner with USACE on Beach and Back-Bay Feasibility Study



Last updated on 01/06/2025
Move from baseline of 0% to target of 100%

Improve National Flood Insurance Program Community Rating System from 8 to 6



Last updated on 12/20/2024
Move from baseline of 0% to target of 100%

Design and Construct Garden District Flood Reduction



Last updated on 01/07/2025
Move from baseline of 0% to target of 100%

Coordinate with M-DC to maintain and repair Crandon Blvd stormwater system



Last updated on 01/07/2025
Move from baseline of 0% to target of 100%

Enact tidal flood barrier ordinance

Last updated on 09/22/2024
Move from baseline of 0% to target of 100%

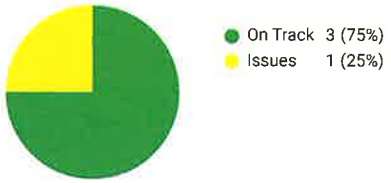
FOCUS AREA - POWER RELIABILITY

FPL recently added a second transmission line to support the village, but we still experience excessive power outages affecting our residences and businesses throughout the year. We are addressing the long-term challenge by undergrounding electrical and telecommunications lines while simultaneously working with FPL and our residents to target areas where vegetation interferes with existing above ground power lines.

Lead: Public Works

Assist: Chief Resilience Officer

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Underground electrical utilities in Zone 1 & Zone 8	On Track	10/01/2024	06/30/2027	P1, Power Reliability	Move from baseline of 0% to target of 100%	100%	45%
Improve electric power service reliability	Issues	10/01/2024	09/30/2025	P2, Power Reliability	Stay between baseline of 87 and target of 45	45	47
Invest in FPL Solar Vantage program solutions	On Track	10/01/2024	09/30/2025	Council, P4, Power Reliability			
Improve facility back-up power	On Track	10/01/2024	09/30/2025	P4, Power Reliability	Move from baseline of 0 to target of 4	4	3

Underground electrical utilities in Zone 1 & Zone 8



Last updated on 01/06/2025

Move from baseline of 0% to target of 100%

Improve electric power service reliability



Last updated on 01/07/2025

Stay between baseline of 87 and target of 45

Improve facility back-up power



Last updated on 01/07/2025

Move from baseline of 0 to target of 4

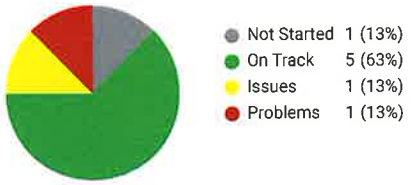
FOCUS AREA - MAINTENANCE AND REPAIR

Maintenance and repair of our existing infrastructure keeps our village assets functional, safe and attractive, fostering a send of pride while saving money in the long term. While we build for the future, we will maintain what we have to continue providing the outstanding services and facilities our residents expect.

Lead: Public Works Director

Assist: Police, Fire, PROS, Administration

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Maintain existing stormwater system	On Track	10/01/2024	09/30/2025	Maintenance & Repair, P1	Move from baseline of 0% to target of 100%	100%	100%
Maintain rights-of-ways	On Track	10/01/2024	09/25/2025	Maintenance & Repair, P2			
Maintain landscaping and grounds	On Track	10/01/2024	09/30/2025	Maintenance & Repair, P2			
Maintain facilities	On Track	10/01/2024	09/30/2025	Maintenance & Repair, P2			
Maintain parks	On Track	10/01/2024	09/30/2025	Maintenance & Repair, P3	Move from baseline of 0 to target of 7	7	7
Develop vehicle maintenance program	Not Started	10/01/2024	06/30/2025	Maintenance & Repair, P4	Move from baseline of 0% to target of 100%	100%	0%
Implement asset management based operations, maintenance, repair and rehab program	Issues	10/01/2024	03/31/2025	Maintenance & Repair, P2	Move from baseline of 0% to target of 100%	100%	50%
Acquire parking/storage space for FreeBees, Village fleet and equipment	Problems	10/01/2024	09/30/2025	Council, Maintenance & Repair, P4			

Maintain existing stormwater system



Last updated on 01/07/2025

Move from baseline of 0% to target of 100%

Maintain parks



Last updated on 01/07/2025

Move from baseline of 0 to target of 7

Implement asset management based operations, maintenance, repair a...



Last updated on 01/07/2025

Move from baseline of 0% to target of 100%

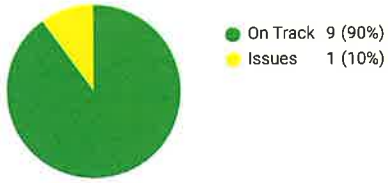
FOCUS AREA - COMMUNICATION & COLLABORATION

Communicating with our residents and collaborating with out partners are essential to the Village's success. In a world of constant information from multiple sources, the Village must improve its ability to effectively communicate and engage with the community to manage emergencies and provide information about critical government services. The Village, operating in a regional envorinment, must also maintain key relationships with the County, State and adjacent municipalities to help resource and coordinate our strategic goals.

Lead: Communications & Community Engagement

Assist: Chief of Staff and ATVM

Status



Supporting Actions

Name	Status	Start Date	Due Date	Tags	Metric Description	Target	Current Value
Enhance strategic communications action plan and delivery	Issues	10/01/2024	03/31/2025	Communication & Collaboration, P1			
Refresh Village brand and image	On Track	10/01/2024	03/31/2025	Communication & Collaboration, P2	Move from baseline of 0% to target of 100%	100%	50%
Develop and pursue FY25-26 State and FY26 Federal legislative agendas	On Track	10/01/2024	06/30/2025	Communication & Collaboration, Council, P1	Move from baseline of 0% to target of 100%	100%	40%
Advance regional partner coordination and relationships	On Track	10/01/2024	09/30/2025	Communication & Collaboration, P1	Move from baseline of 0 to target of 10	10	3
Refine and tailor website to enhance and simplify access and use	On Track	10/01/2024	12/31/2024	Communication & Collaboration, P2	Move from baseline of 0% to target of 100%	100%	70%
Improve information management and reporting	On Track	10/01/2024	01/31/2025	Communication & Collaboration, P2			
Implement resident service program	On Track	10/01/2024	09/30/2025	Communication & Collaboration, Council, P2	Move from baseline of 0% to target of 100%	100%	15%
Create & train on media protocols	On Track	10/01/2024	12/31/2024	Communication & Collaboration, P4	Move from baseline of 0% to target of 100%	100%	75%
Enhance community engagement and relationships	On Track	10/01/2024	01/31/2025	Communication & Collaboration,			

Refresh Village brand and image



Last updated on 12/09/2024

Move from baseline of 0% to target of 100%

Develop and pursue FY25-26 State and FY26 Federal legislative agendas



Last updated on 01/07/2025

Move from baseline of 0% to target of 100%

Refine and tailor website to enhance and simplify access and use



Last updated on 12/09/2024

Move from baseline of 0% to target of 100%